## MIAMIBEACH

## **City Commission Meeting**

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive May 8, 2013

Mayor Matti Herrera Bower Vice-Mayor Jonah Wolfson Commissioner Jorge R. Exposito Commissioner Michael Góngora Commissioner Jerry Libbin Commissioner Edward L. Tobin Commissioner Deede Weithorn

Came in at 10:30 a.m.

City Manager Jimmy L. Morales City Attorney Jose Smith City Clerk Rafael E. Granado

Visit us at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

#### ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach, entitled "Lobbyists," requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

Special note: In order to ensure adequate public consideration, if necessary, the Mayor and City Commission may move any agenda item to the alternate meeting date, which will only be held if needed. In addition, the Mayor and City Commission may, at their discretion, adjourn the Commission Meeting without reaching all agenda items.

Meeting called to order at 9:40:52 a.m.

Inspirational Message given by Pastor Victor Palacios from the Baptist Church Iglesia Bautista Poder de Dios.

Pledge of Allegiance led by Father Roberto Cid from St. Patrick's.

Requests for Additions, Withdrawals and Deferrals announced by the City Clerk.

The City Commission will recess for lunch at approximately 1:00 p.m.

**SUPPLEMENTAL AGENDA No.1:** 

C7F - Corrected Information R5E - Additional Information

C7O - Resolution R9J – Resolution and Additional Information

**C7P - Corrected Information** 

ADDENDUM AGENDA No. 1: C2E R10B

Prepared by the City Clerk's Office Page No. 1
M:\\$CMB\CITYCLER\AFTERACT\2013\05082013\Afteraction\aa05082013.docx

ADDENDUM AGENDA No. 2: R9K R9L R9M

ADDENDUM AGENDA No. 3: C4J C7Q

ADDENDUM AGENDA No. 4: R9N R9O

Handout or Reference Materials:

- 1. Email from Francis Frances dated May 2, 2013 RE: Invocator Pastor Victor Palacios
- 2. List of Addendum Items, Corrections and Withdrawals.

#### 11:21:40 a.m.

Motion made by Commissioner Góngora to add items C2E, C4J, C7Q, R9K, R9L, R9M R9N, R9O, and R10B to the Agenda as emergency items; seconded by Commissioner Exposito; Voice vote 6-1; Opposed: Vice-Mayor Wolfson. See details below.

#### 11:49:49 a.m.

Vice-Mayor Wolfson explained that Emergency Items are added to the Agenda often, but item R9O regarding ballot questions was not noticed to the public and was not part of the Agenda. He feels it is not appropriate to discuss this as an Emergency Item. It is a very important issue and the public is very interested in what is happening with the Convention Center, and to ask the City Attorney to draft a ballot question is a massive public concern, and to slip this through to him and the public at the last minute appears as an attempt to subvert the interest and the will of the public.

Vice-Mayor Wolfson made a motion to reconsider adding R9O as an emergency item to today's Agenda. No second offered. Vice Mayor Wolfson asked Commissioner Tobin if he would consider seconding his motion. Hearing no second, he requested the City Clerk to record his vote as a "No" to add the emergency items. (See Item R9O).

Commissioner Tobin explained that he is not planning to vote, but would like to discuss this item. He is never for blocking discussion.

Vice-Mayor Wolfson restated that it is not appropriate, and it subverts the public interest. The discussion should be publicly noticed. It is an important interest that the public know what they are talking about; that is what government in the Sunshine is all about. He mentioned other items that are appropriate as Emergency Items, such as R9J; but R9O (MBCC ballot) should be properly noticed.

Commissioner Libbin requested the City Clerk to read the title of all Emergency Items. Titles read. Mayor Bower requested that the meeting move forward.

## New Item 5:13:20 p.m.

Mayor Bower recognized William Cary for receiving the Henrietta Harris award from The Dade Heritage Trust.

William Cary, Assistant Planning Director, stated that this award is for outstanding community leadership on behalf of The Miami Design Architectural Cultural and Heritage 2013, and the award is for the entire Planning Department, since he could not have done it without their support.

#### 5:14:45 p.m.

Rafael E. Granado, City Clerk, announced that a Special City Commission Meeting will be held on May 15, 2013 to discuss the City's Boardwalk: "Notice is hereby given that the City Commission of the City of Miami Beach, Florida, will hold a Special City Commission Meeting on Wednesday, May 15, 2013 at 9:00 a.m., at the Miami Beach Convention Center (MBCC), 1901 Convention Center Drive, Miami Beach, Florida, Hall C, First Floor, Ballroom 4, to discuss the City's Boardwalk between 23<sup>rd</sup> and 46<sup>th</sup> Streets."

## City Clerk's Note May 10, 2013:

A Notice of Cancellation has been sent to mass-mailing lists. This Special Commission Meeting has been rescheduled for Monday, May 20, 2013 at 9:00 a.m. in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, and will be properly advertised.

## **Presentations and Awards**

## 10:34:18 a.m.

PA1 Certificate Of Appreciation To Be Presented To The Miami Beach Police Department's Officer Of The Month For April March 2013.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Certificate presented to the Officer of the Month for April, Officer Carlos Cuellar.

Commissioner Exposito is honoring Officer of The Month for the month of April March. The honoree this month is Officer Carlos Cuellar. He explained that on the morning of March 18, 2013, Officer Cuellar was dispatched to 600 Ocean Drive in reference to a male subject who was on a ledge threatening to jump. Officer Cuellar responded and established a rapport with the subject; it was noted that the subject was not mentally balanced and believed people were trying to kill him with a knife. The officer took charge and was able to convince the gentleman to control himself; and control the individual and by that action saved his life. This is the type of example of courage, patience, and moral character that should separate officers from many others in the community. It is with great honor and pleasure that on behalf of the Commission they honor him today for these acts. Often the acts of police officers go unnoticed and unreported by the media, but these acts of officers like Officer Cuellar occur frequently and on a daily basis and needs to be recognized. He was commended for his actions and verbal skills.

Officer Cuellar thanked Chiefs Martinez and Overton and added that this is the first time he has been honored with this award and thanked the City Commission.

#### Handout or Reference Material:

1. Commissioner Exposito's Presentations and Awards List

#### 10:57:06 a.m.

PA2 Presentation To The City Commission From The Office Of The Citizens Independent Transportation Trust, Announcing The 2013 Transportation Summit For Miami-Dade County On June 6, 2013.

(Public Works)

#### **ACTION:** Presentation made.

Jimmy L. Morales, City Manager, introduced the item and Charles D. Scurr, Executive Director of Citizens' Independent Transportation Trust.

Charles D. Scurr, Executive Director of Citizens' Independent Transportation Trust, (CITT), introduced board members Linda Zilber and Prakash Kumar; they oversee the half-penny sale surtax, which generates about \$200 million per year, and \$40 million of that funding goes to the Cities. Miami Beach receives about \$3 million a year, which fund the Local Beach Circulator and other public work projects. The Metrorail with the Airport project was just completed and the question is what the next big projects are. A lot of discussion has been held without consensus. There is not a shared vision as of yet. With the cooperation of the County, the League of Cities and Miami Beach hopefully, they are sponsoring a transportation summit on June 6, 2013, focusing and visioning the future of Miami-Dade County's Public Transportation. They invited the City Commission to attend and he added that Mayor Jimenez will give a visioning speech and they hope to have subsequent sessions on technology, corridors, financing, etc., and public input.

Commissioner Libbin requested input and guidance in getting a North Beach circulator and a rapid connection to South Beach.

Mr. Scurr stated that he will work with the City Manager. He explained that they are trying to do a community building/visioning exercise, and that the MPO is doing a number of studies, one of them being the Miami Beach corridor. All the studies are critical, but they are merely working on the visioning process in trying to develop creative financing techniques to operate and maintain the system.

Commissioner Weithorn stated that she met with County Commissioner Sousa, and she indicated that they are willing to give waivers on CITT dollars to allow cities to work together, and perhaps they can include a North Beach circulator and other projects.

Commissioner Góngora suggested prioritizing and working with the County and the League of Cities to implement some sort of electric rail technology between Miami Beach and other municipalities that will resolve traffic problems.

Commissioner Weithorn stated that she will attend the Summit on behalf of the League of Cities.

#### Handout or Reference Materials:

1. Save the Date! Flyer 2013 Transportation Summit – Visioning the future of Miami-Dade County's Public Transportation from Mayor Carlos A. Gimenez and the Board of County Commissioners and the Citizens' Independent Transportation Trust.

#### 10:50:27 a.m.

PA3 Presentation On The State Of The Travel And Tourism Industry By William Talbert, President & CEO Of The Greater Miami Convention & Visitors Bureau And Recognition Of National Travel And Tourism Week.

(Requested By Mayor Matti Herrera Bower)

**ACTION:** Presentation made.

Bill Talbert, President and CEO of the Greater Miami Beach Visitors and Convention Bureau, stated that they are celebrating the 29th annual Travel and Tourism Week. He introduced his team and stated that in 2012 Miami Beach had record tourism and continues to do so, with Brazil leading the international markets, New York continues to be the number one domestic market. He added that with the proposed enhanced expanded Miami Beach Convention Center, that would be the last crown jewel for what they do.

Mayor Bower recognized staff and the GMCVB for a job well done.

Mr. Talbert stated that Steven Hass sends greetings. He has gone to open City Hall "The Restaurant."

Proclamation presented to GMVCB. Mr. Talbert also presented a plaque to the Commission.

Handout or Reference Materials:

1. MIAMI's #1 Industry-Travel & Tourism 2012 Fast Facts

## 10:50:27 a.m.

PA4 Proclamation To Be Presented Declaring May 4-12, 2013 As "National Tourism Week" In The City Of Miami Beach.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Proclamation presented. See action with PA3.

#### 9:48:15 a.m.

PA5 Certificates Of Recognition To Be Presented To The Students And Staff Of Miami Beach Public And Private Schools.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Certificates presented.

Mayor Bower stated that this is one of her favorite meetings. There have been some complaints about not having so much time spent in the award giving, but to her this is the best month of the year to give awards. Being that this will be her last year as Mayor, and giving these awards for the schools, she made it a little bit larger, and she took that special privilege, she also included the private schools that are in the area, because she wanted to highlight the schools in Miami Beach. Education is the problem that is faced all the time, and the future of these children depends on the dedicated work of all the teachers, the parents and every individual that in the schools spend time with our children, so they appreciate that.

**Biscayne Elementary:** Thinker: Madison Barker, Principled: Dylan Nunez, Caring: Sofia Aranda, Balanced: Destiny Rivera, Teacher of the Year: Lizeth Garcia, Rookie Teacher of the Year: Jennifer Velez-Caraballo, Retirees: Fernando Fernandez.

#### 10:38:19 a.m.

**North Beach Elementary:** Thinker: Daniel Jackson, Principled: Matthew Gaynor, Caring: Danielle Gomez, Balanced: Julius Goldberg, Teacher of the Year: Mary I. Succar, Rookie Teacher of the Year: Stephanie Cano, Retirees: Elena Dell'Aglio. Principal Alice Qualis.

Mayor Bower acknowledged Joan Alamanda, PTA president, retiring soon.

John Aleman thanked the City Commission and Commissioner Libbin for the nurse at North Beach Elementary.

**South Pointe:** Thinker: Asher Lieberman, Principled: Ashlynne Wever, Caring: Justin Garcia, Balanced: Anna Hughes, Teacher of the Year: Jason Bogart, Rookie Teacher of the Year: N/A, Retirees: N/A. Principal Madeline Fishman.

**Treasure Island: Item heard in conjunction with item R9J.** Thinker: Naomi Gomez, Principled: Olivia Osterman, Caring: Isabella Varela, Balanced: Hayward Martinez, Teacher of the Year: Michelle Petrou, Rookie Teacher of the Year: Roberto Alonso, Retirees: Dorothy Davern. Principal Gloria Barnes.

## City Clerk's Note: See item R9J

Commissioner Libbin explained that North Beach, Treasure Island and Bay Harbor Elementary are the only schools in the feeder pattern that do not have nurses, and it is a shame and something that they have tried to address. The Quality Education Committee in Miami Beach reached out to the Miami Beach Chamber Education Committee and jointly they worked to fund the project. The Finance and Citywide Projects Committee Chairwoman, Commissioner Weithorn, had recommended that if other municipalities affected agreed to contribute towards the cost of a nurse, then the City of Miami Beach would contribute \$30,500 of their share. Bay Harbor, Bal Harbour and Surfside have already passed resolutions in support and agreed to fund, and North Bay Village will met on May 21. Additionally a grant from the Miami Beach Chamber of Commerce to the Health Foundation of South Florida is in place, subject to each contributing municipality; if other municipalities are in support, they will match dollar to dollar.

## **MOTION RELATED TO R9J**

Motion made by Commissioner Libbin to appropriate \$30,500 to be matched by the Health Foundation; seconded by Commissioner Góngora; Voice-vote: 6-0; Absent: Vice-Mayor Wolfson.

**Feinberg/Fisher K-8:** Thinker: Iran Perez, Principled: Gloria Alfonso, Caring: Sergio Pineda, Balanced: Daniela Hernandez, Teacher of the Year: Roderica Mims, Rookie of the Year: Romi Verite, Retiree: Lorraine MacKinney.

**Ruth K Broad K-8:** Thinker: Estefania Lanza, Principled: Estrella Morel, Caring: Debbie Kate Salamorin, Balanced: Juan Gonzalez, Teacher of the Year: Kerlyn Prada, Rookie Teacher of the Year: Dana Hall, Retirees: Carmen Villanueva, and Dr. Maria Soto-Rodriguez, Principal.

**Nautilus Middle School:** Thinker: Avgustina Nikolova, Principled: Nathaniel Castellanos, Caring: Juliet Fernandez, Balanced: Asabi Gibson, Teacher of the Year: Ana Careaga, Rookie Teacher of the Year: Renette LaFrance, Retirees: Vivian Randin, Paul Braxton, Dr. Allyn Bernstein. Principal Dr. Allyn Bernstein.

**Miami Beach Senior High School:** Thinker: Daniel Cohen, Principled: Harry Reid, Caring: Ross Arkin, Balanced: Veronica Pizzorni-Rossi, Teacher of Year: Sam Brown, Rookie Teacher of Year: Vida Tavakoli, Retirees: Rosann P. Sidener, Pooran Latchman, Larosa Legree, Virginia Richards, Aubert Joseph, and Sandra MacKinney Principle John J. Donohue.

#### PRIVATE SCHOOLS:

Casa de Bambini Montessori School: Greg Mark; Montessori School: Bebbie Sirban, Temple Beth Shmuel, Landow Yeshiva Center, Ms. Dalfin, Le Petit Papillon Montessori School Damarys Zarling, Lehrman Community Day School Jodi Bruce, Mechina of South Florida Rabbin Nisson Friedman, Rabbi Alexander S. Gross Hebrew Academy Rabbi Bossewitch, St. Patrick Parish School, Bertha Moro, Stone Coast Academy Mr. Coppolino and Mr. Sanchez, Temple Beth Shalom, Margie, Yeshiva Elementary, Etty, Mater Academy Marisol Gomez, Temple Menorah Jewish Montessori School, Temple Beth Shmuel Montessori School, Montessori Academy at St. Johns, Cynthia Rodriguez/Jessica Hernandez, Ben Gamla Charter School, and Fisher Island Day School. Mr. Vermillion.

## 11:07:03 a.m.

PA6 Certificate Of Recognition To Be Presented To Rachel Castillo For Her Act Of Kindness In The Return Of \$36,000 Found By Her And Belonging To A Senior Citizen.

(Requested By Vice-Mayor Jonah Wolfson & Commissioner Deede Weithorn)

**ACTION:** Certificate presented.

Vice-Mayor Wolfson introduced Rachel Castillo and explained that this is an incredible story, a wonderful story of honesty and integrity. Rachel found that one of the patrons, from the Golf Course where she works, had left a bag of money. She gave the bag to the police and they in turn found the rightful owner.

Mayor Bower stated that she followed the story as well and thinks Rachel did a marvelous thing. The police was able to return the bag full of money since there was an ID card inside. This is a very special proclamation, as it is signed by the Mayor and each of the City Commissioners, and Vice-Mayor Wolfson was the first one to recognize. Rachel is a role model.

Vice-Mayor Wolfson recognized Rachel for her honesty.

Commissioner Tobin stated that Rachel is a good, honest person, and made many people happy.

Commissioner Góngora also stated that this is something others can learn from and thanked her.

Commissioner Weithorn thinks this is an extraordinary person doing an ordinary thing, and thanked her for reminding them what is right.

Commissioner Exposito stated that she is an example for everyone to follow.

Commissioner Libbin hopes the person who had lost the money finds it in his heart to give her a token of his appreciation.

Chief Martinez thanked Rachel for her extraordinary honesty and explained that the gentleman was an elderly man who was suffering from memory problems, and the money was his life-savings.

#### 10:19:49 a.m.

PA7 Proclamation To Be Presented To Maria Laria For Her Dedication And Commitment To Miami Beach.

(Requested by Commissioner Michael Góngora)

**ACTION:**. Proclamation presented.

Commissioner Góngora recognized an educator in a different level, someone who educates through television; she is well watched and well-loved, and someone he enjoys watching, that is Maria Laria, AmericaTEVE, TV Host Channel 41. Maria is one of the first Hispanic woman on Spanish television in the United States. Born in Havana, Cuba, Maria has become an icon as a hostess, producer and journalist. Her career has driven her up to eight Emmy nominations. Maria's dedication, discipline and talents have led her through different places around the world being parts of shows throughout South America, North America and Europe. Her current show "Arrebatado" is currently airing Monday through Friday at 4:00 p.m., in one of the top slots. Her public service shows for education on AIDS, abused children, women issues, homeless, labor discrimination, minority issues and empowering Hispanics and women in general, have made her recognized throughout the world, winning a Unesco Philanthropy Award, a Cassandra Award and many others. Maria actually started her career as a professional pianists and dedicated time on the show to world classical music and arts, as a necessary anecdote in the difficult times to help children become more culturally oriented and better educated. For her extraordinary service and dedication to the Hispanic community and the community at large, Maria Laria is a role model for all. He is proud today, on behalf of the Mayor and the City Commission, to proclaim May 8, 2013 as "Maria Laria Day" in the City of Miami Beach.

Maria Laria thanked Commissioner Góngora. She explained that she worked as a journalist and was a teacher when she was young and it is a very difficult job. It is also difficult today, with trash TV and so many violent shows on TV, and the media has a responsibility with that and it is difficult to compete with ratings and be able to maintain content and deep social issues. It helps when people like Commissioner Góngora, Mayor Bower and Vice-Mayor Wolfson show support. She has lived in Miami Beach for years and it is their role to try help in any way they can. The media, fortunately or unfortunately, has a huge impact and responsibility on filling young minds. She stated that minds are like Jell-O, that you have to feed them good ingredients and once they settle it is difficult to go back. Her job as a citizen is to reach out to people and try to help however she can, so she is really honored in receiving this proclamation, and she applauds this Commission because it is a difficult job to be a politician. Miami Beach is a great City. She also said a few words in Spanish.

Commissioner Góngora also presented a Certificate of Recognition to her co-host Osvaldo F. Rodriguez.

10:42:08 a.m. NEW ITEM:

PA8 Certificates Of Recognition/UNIDAD's Senior Placement Program. (Requested by Commissioner Wolfson)

**ACTION:** Certificates presented to Maria Caridad Rango-Jimenez and Hilda Castillo.

Vice-Mayor Wolfson introduced Maria Caridad Rango-Jimenez. He presented her with a Certificate as a result of her participation in the senior jobs placement program. Every month this is done to recognize and bring attention to this program that has had such a positive impact on the lives of Miami Beach seniors as well as everybody on Miami Beach. This is a good thing for our City and we all can stand to learn a lot from others in this society that have a lot more living experience that they do, and to that end he has enjoyed very much being a part of senior programs here on the beach, and this is one of the finest. The program gives seniors continued importance in the community by working. The power of work is something incredible and keeps you sharp, on your toes and also provides income for people with fixed incomes, and that is a huge part of this too. Ms. Rango-Jimenez has been very successful in the program so she has been brought here today to hold out as a jewel of the program. He asked her to say a few words.

Maria Caridad Rango-Jimenez spoke in Spanish and Vice-Mayor Wolfson translated to English. Basically she thanked UNIDAD for the program that helped her in getting her first job. She thanked Raymond, Mara and Catalina. She specially thanked Hilda Castillo for her constant support unconditionally.

Vice-Mayor Wolfson also presented a Certificate of Appreciation to the Director of Sunflower Academy, Hilda Castillo, and he thanked her for their support from the private sector.

Raymond Adrian spoke. Margarita Cepeda spoke.

10:29:34 a.m. NEW ITEM:

PA9 Proclamation/Declaring May 13-19, 2013 National Police Week. (Requested by Commissioner Weithorn)

**ACTION:** Proclamation presented.

Commissioner Weithorn explained that National Police Week is coming up, and in 1962 President John F. Kennedy signed the first National Police Week Proclamation. This event has been celebrated ever since and has grown to a series of events, and although the City has not always observed this week, she did not want to miss this year. May is Peace Officers Memorial Day, and it falls within Police Week, so they want to proclaim this week officially in the City of Miami Beach for the fine work that the Miami Beach Police Department, as part of an organization of Police Departments all over the county that work with us coming up with Memorial Day, and she thinks is important that they proclaim "National Police Week" in the City of Miami Beach.

Police Chief Martinez explained that this Week coincides with Police Memorial Week, where they recognize the officers that have given the ultimate sacrifice to help their communities. Last week they held a police memorial at the Miami Beach Police Station where seven officers' names are on the monument for giving the ultimate sacrifice, the last being Scott Rakow 25 years ago, and Scotty's wife and daughter were there to talk about their experiences. The positive is obviously

that they have not added a name in those 25 years, and they hope that they will never have to add a name to the monument. He explained that coming up for Police Week and for the community, Memorial Day is a major event, and they have reached out and are working with partners from Miami-Dade County and other agencies that lend assistance during the week and they feel that they have an excellent plan and will build on the successes of last year and continue to move forward and making sure that the visitors are safe, have a good time and enjoy themselves. He thanked the Commission for taking this moment to recognize Police Week.

## **CONSENT AGENDA**

**ACTION:** Motion made by Commissioner Góngora to approve the Consent Agenda excluding the separated items; seconded by Commissioner Exposito; Voice-vote: 7-0.

## **C2 - Competitive Bid Reports**

C2A Request For Approval To Issue A Request For Proposals (RFP) To Secure The Services Of A Consultant That Will Compile The City Stakeholder's Requirements And Recommend The Best Approach To Select And Replace The Existing Public Safety Radio System With A P25 Compliant System Before The 2016 Timeframe.

(Information Technology/Procurement) (Deferred from April 17, 2013)

ACTION: Request authorized. Gladys Gonzalez and Alex Denis to handle.

C2B Request For Approval To Issue A Request For Proposals (RFP) For Pay By Phone Services For The City's Parking Department.

(Parking Department/Procurement) (Deferred from April 17, 2013)

**ACTION:** Request authorized. Saul Frances and Alex Denis to handle.

## 7:58:46 p.m.

C2C Request For Approval To Issue A Request For Qualifications (RFQ) For A Third Solid Waste Franchise Contractor To Provide Commercial Waste Collections And Disposal Services.

(Public Works/Procurement) (Deferred from April 17, 2013)

**ACTION:** Item separated for discussion by Commissioner Weithorn and referred to the May 13, 2013 Finance and Citywide Projects Committee. Motion made by Commissioner Weithorn to refer the item; seconded by Commissioner Góngora; Voice vote 6-0; Absent: Vice-Mayor Wolfson. Patricia Walker to place on the committee agenda. **Eric Carpenter and Alex Denis to handle.** 

## **REFERRAL**:

Finance and Citywide Projects Committee.

Commissioner Weithorn stated that she has been inundated by calls during the last month regarding problems with sanitation, from missed pick-ups, overflowing containers, rats and all sorts of issues. In reviewing the RFP, there was no enforcement included in the event that one of

the haulers was not doing their job. She suggested sending the item back to the Finance and Citywide Projects Committee on Monday, May 13, 2013, to try to correct this issue.

Discussion held.

Motion by Commissioner Weithorn for the referral; seconded by Commissioner Góngora; Voicevote: 6-0. Absent: Vice-Mayor Wolfson. Item referred.

C2D Request For Approval To Issue A Request For Proposals (RFP) For Audits Of Resort Taxes And Other Internal Audits As Needed.

(Budget & Performance Improvement/Procurement)

**ACTION:** Request authorized. **James Sutter and Alex Denis to handle.** 

## 7:54:12 p.m. ADDENDUM AGENDA No. 1:

C2E Request For Approval To Reject All Proposals Received, Pursuant To Request For Proposals (RFP) No. 006-2013TC, For Maintenance And Security Service (Optional) At The Lincoln Road Mall.

(Public Works/Procurement)

**ACTION:** Item separated for discussion by Commissioners Libbin and Weithorn. **Request authorized as amended.** Item to return to Finance and Citywide Projects Committee in June. Motion made by Commissioner Weithorn; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. Patricia Walker to place on the committee agenda. **Eric Carpenter and Alex Denis to handle.** 

#### REFERRAL:

Finance and Citywide Projects Committee

Commissioner Weithorn stated that this is an RFP with a lot of history of problems, but she requests a new process and wants those who were nearly deemed responsive to be included in the Invitation to Negotiate. Additionally, she requested a time frame when the item comes back to Commission, as the item is one year old.

Jimmy Morales, City Manager, explained that the Administration will reach out to the industry and to the companies that do this on a national level and for some reason did not participate in this RFP. They will do an ITN; and thereafter, companies will be sent a qualifying review to participate again and avoid discrimination. He could not in good conscious recommend any of these companies at this point, as they have no experience in dealing with this type of pedestrian retail stores as is Lincoln Road.

Commissioner Exposito requested that the City reach out to the Lincoln Road Association.

Discussion held.

Motion made by Commissioner Weithorn to accept the recommendation of rejection with an Invitation To Negotiate (ITN), including reaching out to the Lincoln Road Association, those who responded that did not qualify, and others from the industry. The item is to be brought back for discussion to Finance and Citywide Projects Committee in June. Motion seconded by Commissioner Exposito. **Alex Dennis to handle**.

Commissioner Tobin suggested that staff walk Lincoln Road to make sure the City is doing the best in the interim as far as maintenance. Lincoln Road cannot be neglected. **Eric Carpenter to handle**.

Commissioner Libbin explained to Mr. Carpenter that some of the key issues to look for while doing the walkthroughs are: 1) pool cleaning and maintaining the water clean; 2) painting curbs to look clean and fresh instead of dilapidated; 3) picking up litter and cigarette butts scattered throughout; 4) picking up trash from landscape areas; and 5) ensuring that there are no illegal electrical outlets plugged in. **Eric Carpenter to handle**.

Commissioner Tobin stated that he has videos of City employees talking on the telephone for lengthy periods while they are supposed to be cleaning. **Eric Carpenter and Sylvia Crespo-Tabak to handle.** 

Jimmy Morales, City Manager, explained that at a staff meeting this morning he made it clear that the Commission expects to raise the level of cleanliness, as the community is concerned with this issue. In the interim, the Administration will ensure that the standards are raised.

## Handouts or Reference Materials:

- 1. Protest letter from Standard Parking, SP Plus Maintenance d/b/a Parking Facility Systems, Inc. and the City's response.
- 2. Protest letter from Keystone Property Management, Inc., and the City's response.
- 3. Letter to Joan Bennett, Keystone Property Management, Inc., RE: RFP 006-2013TC denying protest.
- 4. Letter to Jim Kaster, Standard Parking, SP, RE: RFP 006-2013TC denying protest.

## **C4 - Commission Committee Assignments**

C4A Referral To The Finance And Citywide Projects Committee - A Resolution Approving In Substance The Terms Of A Professional Services Agreement With The International City/County Management Association ("ICMA") For Review And Recommendations For Efficiencies For The Fire Department; Authorizing The City Manager And City Attorney's Office To Negotiate And Draft The Agreement Based Upon The Approved Terms; And Authorizing The Mayor And City Clerk To Execute The Final Agreement In An Amount Not To Exceed \$70,000.

(City Manager's Office)

**ACTION:** Referred. Patricia Walker to place on the committee agenda. Sylvia Crespo-Tabak to handle.

C4B Referral To The Finance And Citywide Projects Committee - Discussion On The Euclid Avenue Street End Project.

(City Manager's Office)

**ACTION: Referred.** Patricia Walker to place on the committee agenda. **Jorge Gomez and Max Sklar to handle.** 

C4C Referral To The Land Use And Development Committee To Discuss FDOT's Recommendation Of The Undertaking Of A Study Concerning The Speed Limit On Alton Road.

(Requested by Commissioner Michael Góngora)

**ACTION:** Referred. Richard Lorber to place on the committee agenda. Eric Carpenter to handle.

C4D Referral To The Finance And Citywide Projects Committee (Budget Meetings) To Discuss Hiring An Inspector To Investigate Claims Of Fraudulent Activity And Perform Other Investigative Services.

(Requested by Commissioner Michael Góngora)

**ACTION:** Referred. Patricia Walker to place on the committee agenda. **Mark Taxis and Sylvia** Crespo-Tabak to handle.

C4E Referral To Neighborhood/Community Affairs Committee - An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 2, Entitled "Officers, Employees And Agency Members," By Amending Section 2-450, Entitled "Disclosure Of Interest In/Relationship With Business Entity," And Section 2-458, Entitled "Supplemental Abstention And Disclosure Requirements;" To Require Additional Public Disclosure Of Conflicts/Interests Possessed By City Officers And Employees Via Public Disclosure Statements; Providing For Repealer, Severability, Codification, And An Effective Date.

(Requested by Commissioner Jerry Libbin) (Legislative Tracking: City Attorney's Office)

**ACTION: Item withdrawn by Commissioner Libbin.** 

C4F Referral To The Neighborhood/Community Affairs Committee To Discuss And Consider A New False Claims Ordinance (Whistle Blower).

(Requested by Commissioner Jerry Libbin)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. City Attorney's Office to handle.

C4G Referral To The Neighborhood/Community Affairs Committee To Discuss The 1st Annual "Canstruction" Jr. South Florida Competition.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. Maria Ruiz to handle.

C4H Referral To The Land Use And Development Committee To Discuss An Item Addressing The Uses Adjacent To St. Patrick's Church And The Possibility Of Permitting Additional Uses.

(Requested by Commissioner Edward L. Tobin)

ACTION: Referred. Richard Lorber to place on the committee agenda and to handle.

C4I Referral To The Neighborhood/Community Affairs Committee To Discuss The FDOT Alton Road Project Between 6th And Michigan.

(Requested by Commissioner Edward L. Tobin)

**ACTION:** Referred. Barbara Hawayek to place on the committee agenda. Eric Carpenter to handle.

#### **ADDENDUM No. 3**

C4J Referral To The Land Use And Development Committee And Planning Board For Rezoning Of Property At 1729 Lenox Avenue, From RS-4 To RM-1, To Permit A Daycare Facility Associated With The Cuban Hebrew Congregation.

(Requested by Vice-Mayor Jonah Wolfson)

**ACTION: Item withdrawn by Vice-Mayor Wolfson.** 

## **C6 - Commission Committee Reports**

C6A Report Of The Land Use And Development Committee Meeting Of April 23, 2013: 1) Discussion Regarding The Development Of The West Lots Between 79th Street To 87th Street And Collins Avenue. 2) Discussion Regarding Development Of The Parking Lot Between 72nd And 73rd Street And Collins Avenue. 3) Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations. 4) Reduced Parking Rates For Hotel Employees. 5) Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet. 6) Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes. 7) Discussion Regarding Food Trucks On Private Property. 8) Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators. 9) Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road. 10) CD-2 Self-Storage. 11) Discussion On The Boardwalk. 12) Discussion Regarding The Current Sidewalk Café Ordinance. A. Discussion Regarding The Lincoln Road Utilization Areas For Sidewalk Cafes. B. Use Of Electricity By Sidewalk Cafés; And Refer All Current Sidewalk Café Matters To LUDC. C. Discussion Regarding Restaurant Solicitation Of Pedestrians On City Sidewalks, Particularly Ocean Drive And Lincoln Road. 13) Discussion Regarding A Mass Transit Connectivity Feasibility Study Entitled "Beach Corridor Transit Connection Study" To Be Conducted By The Miami-Dade Metropolitan Planning Organization In Partnership With The City Of Miami Beach, City Of Miami, Miami-Dade Transit, And The Florida Department Of Transportation.

#### **ACTION:**

Item No. 1: Discussion Regarding The Development Of The West Lots Between 79th Street To 87th Street And Collins Avenue.

See Item 2

Item No. 2: Discussion Regarding Development Of The Parking Lot Between 72nd And 73rd Street And Collins Avenue.

MOTION: Planning Staff to facilitate a workshop and discussion for 72<sup>nd</sup> Street site.

Libbin/Wolfson: (3-0)

Item No. 3: Zoning And Planning Initiatives For North Beach Including Ordinance Amendments For Parking Requirements And Development Regulations.

<u>MOTION:</u> Send items 1, 2, 3 in the memo, pertaining to parking, to the Transportation and Parking Committee. Entire item to be brought back to the LUDC at a future date. Libbin / Wolfson (3-0)

Item No. 4: Reduced Parking Rates For Hotel Employees.

Deferred

Item No. 5: Discussion Of The Miami Beach Current City Code Chapter 6-4 (3) Relating To Alcoholic Beverage Sales That Requires A 300 Foot Distance Between Liquor Stores And Ask That The City Look Into Adopting The County Requirement Of 1500 Feet.

Deferred

Item No. 6: Review Of Miami Beach Land Use Boards To Improve The City Of Miami Beach Building And Planning Department Processes.

Deferred

Item No. 7: Discussion Regarding Food Trucks On Private Property.

Deferred

Item No. 8: Discussion Pertaining To "Smarter Materials For Next Generation Infrastructure," Such As Eliminating The Disposal Of Tires In Global Landfills And Incinerators.

Deferred

Item No. 9: Discussion Regarding The Condition Of The Stones In The 1100 Block Of Lincoln Road.

Deferred

Item No. 10: CD-2 Self-Storage.

Endorse Ordinance as amended at First Reading.

MOTION: Libbin/Góngora: (2-0)

Clerk's Note: See Item R5C

#### Item No. 11: Discussion On The Boardwalk.

Consensus reached on keeping the existing, raised boardwalk. Priority to be given to completing the beachwalk link between 46<sup>th</sup> and 64<sup>th</sup> Streets, and then study the potential of adding a bike path at grade, adjacent to the existing raised boardwalk. Administration directed to evaluate existing projects that contemplate the removal of portions of the boardwalk, and report back to the LUDC on progress.

Clerk's Note: See Item R9B1, Discussion # 4

Item No.12: Discussion Regarding The Current Sidewalk Café Ordinance. A. Discussion regarding The Lincoln Road Utilization Areas For Sidewalk Cafes. B. Use Of Electricity By Sidewalk Cafés; And Refer All Current Sidewalk Café Matters To LUDC. C. Discussion Regarding Restaurant Solicitation Of Pedestrians On City Sidewalks, Particularly Ocean Drive And Lincoln Road.

Defer entire item (12.a-c). Administration instructed to continue enforcement of current

regulations.

Item No. 13: Discussion Regarding A Mass Transit Connectivity Feasibility Study Entitled "Beach Corridor Transit Connection Study" To Be Conducted By The Miami-Dade Metropolitan Planning Organization In Partnership With The City Of Miami Beach, City Of Miami, Miami-Dade Transit, And The Florida Department Of Transportation.

Kathie Brooks provided an update.

C6B Report Of The Capital Improvement Projects Oversight Committee Meeting Of March 11, 2013:

1) Attendance. 2) Review And Acceptance Of Minutes. 3) Public Comments. 4) Old Business/Requested Reports: A. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements Project; B. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status On Sunset Islands III & IV; 5. Status On Lower North Bay Road; C. South Beach Neighborhoods: 1. Status Report: Venetian Islands Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project. 5) Commission Items: A. 6th And 53rd Street Restrooms Project; B. City Center Right-Of-Way Neighborhood Improvement Project; C. Central Bayshore And Lake Pancoast Right Of Way Infrastructure Improvements; D. Venetian Islands Right-Of-Way Infrastructure Improvement Projects Website.

#### **ACTION:**

#### Item No. 1: Attendance.

See attendance sheet copy attached.

#### Item No. 2: Review And Acceptance Of Minutes.

MOTION: Acceptance of Report (Minutes) of the January 14, 2013 CIPOC Meeting. As updated.

MOVED: D. Kraai 2<sup>nd</sup>: Robert Rabinowitz

PASSED: UNANIMOUS

#### Item No. 3: Public Comments.

Alexander Morales, a resident of Miami Beach asked about the status of the South Pointe Park Pier and the Flamingo Park Football Stadium.

Mattie Reyes, who is the project manager for both projects, answered that a groundbreaking event was held for the construction of the pier earlier this year and that work is currently being done in the water to relocate corals. The project is expected to be completed in one year.

The bids for a contractor for the Flamingo Park Football field and amenities were expected to come in Friday, March 15. If the schedule holds, the project is expected to be completed in September, 2013.

Item No. 4: Old Business/Requested Reports: A. North Beach Neighborhoods: 1. Status Report: Normandy Isle Phase II Neighborhood Improvements; 2. Status Report: Biscayne Point Neighborhood Improvements Project; B. Middle Beach Neighborhoods: 1. Status Report: Central Bayshore Improvements; 2. Status Report: Lake Pancoast Improvements; 3. Status Report: Sunset Islands I & II; 4. Status On Sunset Islands III & IV; 5. Status On Lower North Bay Road; C. South Beach Neighborhoods: 1. Status Report: Venetian Islands Neighborhood Improvement Project; 2. Status Report: Palm & Hibiscus Island

Neighborhood Improvements & Utilities Undergrounding; 3. Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project.

## a. North Beach Neighborhoods

## Status Report: Normandy Isle Phase II Neighborhood Improvements

Mattie Reyes, Senior Capital Projects Coordinator reported on the status of the project, noting that this phase includes several miscellaneous items that were not addressed in the overall neighborhood project that was completed a few years ago. Several lighting outages have been addressed. The City is working with FPL and the lighting contractor to resolve the problem. The City is withholding payment until this is fixed, and the contractor has been extremely cooperative. Saul Gross confirmed that the wiring in these fixtures is new. FPL has installed a voltage meter in order to determine if there were fluctuations in the voltage flow. A meeting including the contractor, FPL. Public Works and the project engineer took place concurrent with the CIPOC meeting. The team was on site assessing the situation, and was to report back to Ms. Reyes.

Landscaping replacement continues, and completion was expected by the end of March 2013. The City still has to negotiate swale improvements and drainage. Mr. Gross asked if it was more of a burden on CIP staff to handle piecemeal items that were leftover or afterthoughts from past projects. David Martinez, CIP Director, said that it does strain resources and staff, but that it has provided lessons learned, so CIP can close out and "not look back" when they come to the end of a project. Ms. Reyes noted that the scope of work for this phase was not included in the original package, and came about from resident requests.

Dwight Kraai asked Mattie to explain the extent of the drainage work being done. Drainage work was not included in the original project. Residents complained of ponding water in the streets on Marseille Drive. Now, a new design is being done to address the standing water. Mr. Kraai asked if the water was a result of high tides. The answer is no, the puddles are a result of rainfall.

Mr. Vazquez noted that projects in the past were constructed with an eye on dollars spent, rather than service levels reached. This resulted in projects not being completed to stakeholder satisfaction. The lessons learned are to look at solid designs, delivering service and creating a completed product that does not require revisiting.

## Status on Biscayne Point Neighborhood Improvement Project

Substantial completion of the work on Stillwater Drive is expected very soon. A final walkthrough was scheduled for the end of March. The County will also soon be performing inspection of the wells. The project team wants to get the drainage online before the rainy season begins.

There have been some challenges in Biscayne Beach with the wiring of the existing streetlights. The contractor has been addressing these issues.

Pump station construction is expected to begin in April.

The County is asking for 15-foot travel lanes in Biscayne Beach, and has not yet approved the hardscape plans for the project. The City is working through several options in order to meet the requirements of the Fire Department. Should the final design differ from the proposed design, the neighborhood will be notified through the public involvement process.

Mr. Kraai asked if tidewater drainage is a consideration for this project. Mr. Vazquez responded that the plans for Biscayne Point are based on the old criteria, and not the drainage criteria included in the new stormwater master plan. Mr. Kraai recommended that CIP clearly state what sea level elevation measurements are being used in the design for drainage solutions in future projects.

## b. Middle Beach Neighborhoods

## Status Report: Central Bayshore Improvements

Maria Hernandez, Senior Capital Projects Coordinator mentioned that a large item was to go to Commission for a second phase of this project (more below). The next phase would include more stormwater components, valley gutters and additional milling and resurfacing of the roadway. The additional work would cost \$3.5 million. The resolution also extends the contract from October 2013 to March 2014.

Most of the new items were requests brought to the City by residents after the contract was approved by Commission. The City is in agreement with most of the requests, which include 400 shade trees, narrowing of streets and installation of valley gutters.

Robert Rabinowitz asked about utility conflicts in this neighborhood. Maria Hernandez explained that one pump station that was to be installed on Flamingo Drive during phase I was relocated and will be installed near the golf course in phase II. This eliminates conflicts with public utilities.

Christina Cuervo asked why drainage was being added. This request was a result of a storm event in 2009 and another rain event during construction. The team determined that a redesign was necessary. Additionally, information that has come out of the research for the new Stormwater Master Plan brought to light the need for additional drainage in this neighborhood. This will include 2.5 acres of lake storage within the golf course, new outfalls and new piping.

Dwight Kraai asked CIP to report which Mean High Water Elevation (MHW) levels are being used in the calculations for the additional drainage needs in the Bayshore project.

## Status Report: Lake Pancoast Improvements

Maria Hernandez, Senior Capital Projects Coordinator reported that the project is scheduled to be completed in May 2013. The only components left in this project include the streetscape in front of the Martall Plaza, the completion of the pump station and the associated electrical panel. The project will be completed with enhanced landscaping.

Lanzo Construction, it was noted, has been a good contractor, and the project has moved along to the City's satisfaction.

## Status Report: Sunset Islands I & II

Maria Hernandez, Senior Capital Projects Coordinator reported that the project is nearly at substantial completion. All the drainage work in this project is complete.

Mr. Gross asked Elizabeth Camargo to give her opinion about the project, since she is a resident of the neighborhood. She had good things to say, adding that the residents are generally happy. They are looking forward to the annual picnic to celebrate.

She also mentioned that the street level was raised, which impacted over 10% of the residents on Sunset Island II. This unanticipated effect resulted in additional work to harmonize properties with the street level.

\*See discussion for the Lower North Bay Road project, below.

## Status Report: Sunset Islands III & IV

Public Works hired C3TS as the Design Criteria Professional. Public Works will an item to Commission in order to advertise the RFQ for a Design Build firm.

## Status on Lower North Bay Road

Just prior to the discussion on Lower North Bay Road, during discussion on Sunset Islands I & II, the Committee talked about the condition of the outfalls on the islands. If there is to be a "phase II" project for Sunsets I & II, work would consist of increasing the size of outfalls. This would be a difficult process due to significant encroachments over the outfall pipes. Mr. Gross asked if there was an issue with upgrades of the outfalls and sea-level rise. Mr. Vazquez explained that larger outfalls contribute to better conveyance of storm water. He added that it is important to look at the contours of the bay water compared to the contours of the ground water. It was mentioned that this discussion should continue with Public Works and other agencies. (Mr. Vazquez noted that CIP is the construction group, not the regulatory agency). Mr. Gross asked which projects were coming up that would benefit from this discussion. And the meeting moved into discussion of Lower North Bay Road. There are some low elevations on Lower North Bay Road (3.15) where some of the catch basins are located and CIP wants to look into this with PWD.

Mr. Gross asked if Public Works was involved in the planning for LNBR and were incorporating into that planning the necessity to address sea-level rise. He also asked if the concept of roadway harmonization was being considered, if the road elevation is to be raised. He pointed out that the City had historically considered the issue of driveway flooding to be the property-owners' problem, but if the roadway is to be raised, the City will have to harmonize the driveways.

LNBR will be a hard bid unit price contract. The City is using lessons learned from previous projects about material quantities and incorporating that in the bid. CIP would like to include additional items including seawall reconstruction at 23 Street where there is a pump station to be installed, sewer lining, and a number of items included in the plans based on resident input. Public Works has also requested additional components on the pumps to be installed, such as sensors, well pressure transmitters, and proper breakers. Christina Cuervo noted that she would like to see sanitary sewer lining to be included in all future right-of-way projects.

Mr. Gross continued to push for a discussion with Public Works about incorporating components of the new Stormwater Master Plan in the LNBR design. Mr. Vazquez agreed that this project gives CIP the opportunity to further the sea-level rise discussion and incorporate it into the plans.

Mr. Gross asked how satisfied the City has been with CH2MHill's design. Mr. Gross said they have delivered what was asked and they have worked with the City on the Bayshore projects without problems. Mr. Gross wanted to know what the issues were with this engineer on Sunset I & II. Mr. Vazquez could not answer that question. Mr. Vazquez asked for assurance that the City was confident in CH2MHill to deliver what is asked for LNBR. Mr. Vazquez said that the City can work with them.

The Committee reviewed the timeline:
Contract amendment to CH2MHill in May.
Finance and Citywide in July (budget)
Bid opening in October
(No commission meeting in November)

Mr. Vazquez wanted to know what the appropriate time would be for CH2MHill to come to CIPOC to explain what has to be incorporated into the design to bring it up to standards that address sea level. Mr. Vazquez asked for discussions to take place first with CH2MHill and PWD, so that the project team can look at the roadway elevation and the need for drainage.

Mr. Vazquez reiterated that he thinks the LNBR project is the opportunity to work in design to a higher standard with respect to sea-level rise. Mr. Kraai praised Mr. Gross and Mr. Vazquez for doing so. Mr. Vazquez offered to bring CH2MHill representatives and Public Works

representatives to a future meeting to begin of this discussion.

During the City Center discussion (Commission item below), Mr. Gross turned again to a question he had about the Lower North Bay Road project. He asked if an RPR was hired for LNBR. Staff responded that the RPR is Atkins. He was concerned that the City was paying Atkins for the services when the contractor was terminated. Staff stated that at this time, while the project is not active, Atkins is not being paid. The City is revisiting what services are needed for LNBR. The contract, which is now included with the Bayshore services, will be separated and reworked.

## c. South Beach Neighborhoods

## Status Report: Venetian Island Neighborhood Improvement Project

Mattie Reyes, Senior Capital Projects Coordinator, said that the item for award of the Construction Contract is going to commission. \*Please see the commission item below.

# <u>Status Report: Palm & Hibiscus Island Neighborhood Improvements & Utilities Undergrounding</u>

Mattie Reyes, Senior Capital Projects Coordinator said that the City Attorney's Office is reviewing the contract for a progressive design build method of procurement and delivery. The construction costs are negotiated along the way under this delivery system. The City anticipates that the bid can be advertised in May. The contractor has to develop design and price it out first, before the construction can start.

## Status Report: South Pointe Phase III, IV & V Neighborhood Improvement Project

Carla Dixon, Capital Projects Coordinator, said that all the water main work from the original scope was complete, the added water main work is on schedule. Storm drainage work is complete. Testing continues, there are several places that required routine retesting, which has been scheduled. Landscaping and irrigation work and some additional aboveground work remain. The project is scheduled for completion this summer.

Item No. 5: Commission Items: A. 6th And 53rd Street Restrooms Project; B. City Center Right-Of-Way Neighborhood Improvement Project; C. Central Bayshore And Lake Pancoast Right Of Way Infrastructure Improvements; D. Venetian Islands Right-Of-Way Infrastructure Improvements.

## 6<sup>th</sup> and 53<sup>rd</sup> Street Restrooms Project

This item was voted on at the October 22, 2012 CIPOC meeting. David Martinez clarified that the Commission expressed concerns over cost per square foot. The Land Use Committee reviewed the item, although no formal recommendation came from that committee meeting.

The revised memo presented to Commission breaks down the costs of building a standard facility. It includes the items necessary for a public bathroom facility in such close proximity to the ocean and compares that with the costs of buildings that have been built with the proposed specialty finishing. The breakdown also includes cost for demolition, side work, water, electrical services and other utilities, as well as landscaping and other components of the project. The memo also details suggestions for further cost reductions, which would require HPB approval and would have an effect in the future on maintenance costs.

The document presented at the March 11 meeting demonstrates a change in the approach of how the item is presented to Commission. This document provides much greater detail. David Martinez pointed out that the breakdown demonstrates that the cost per square foot is high because this project is for construction of small buildings with many specialty features.

Saul Gross opined that he did not see anything in the suggestions for cost savings to be of any significant impact, adding that the suggestions would have a negative impact on the life span and

maintenance of the facility components. He stated that he saw no benefit to implementing any of the suggestions. (he added that the Commission would make the decision). He also pointed out that this project has been in the making for over two years and he felt it would be best to move forward.

Saul Gross asked that the Committee renew their original recommendation to pass the resolution.

Robert Rabinowitz said that after watching the Commission's reaction to this item, he wanted to recall his previous vote in favor of the item, and to abstain from voting this time, "pending investigation by . . . whatever department is responsible for this." He said that the Committee's initial reaction to the cost per square foot was that it was too high. Saul Gross agreed and pointed out that Christina Cuervo also agrees. He said, though, that comparing the cost of the 6 and 53 Street restrooms to the others the City has built, proves that the cost is comparable. He noted that several bathrooms have already been built at similar cost. He also stated that Atkins has done cost analysis and found the building cost to be fair because the construction is of small buildings in difficult areas to build, with many components.

Mr. Gross informed Mr. Rabinowitz that he can't withdraw his vote, but could vote against the item on this vote.

Saul Gross again said that the bathroom projects are often scrutinized by Commission because of the cost per square foot, but that no one has been successful at demonstrating how to effectively bring the price down.

Elizabeth Camargo asked if comparisons were made to recently built restrooms. Mr. Vazquez explained that the report presents those comparisons.

Thais Vieira, Capital Projects Coordinator, explained that the operating experience with the previously built restrooms led the City to look at some of the components that did were not performing well. Staff made recommendations for improved features for the new restrooms and future upgrades (i.e.: epoxy flooring instead of tile floors; vandal-resistant plastic product instead of stainless on exposed plumbing fixtures).

Robert Rabinowitz said that because multiple facilities were being built, the cost (psf) should drop. But Thais pointed out that the buildings are in different locations (6 Street/ 53 Street) and there is no economy of scale.

Brian Erlich said that the items recommended for cost savings don't seem like reasonable cuts given that they add to maintenance and replacement costs.

Saul Gross wondered if rolling the pre-construction services into a D/B contract without bidding for the contract was partly to blame for the cost. But, he added that he is comfortable with the number of sub-contractor bids that were done as well as the process (over 90 firms bid). He also mentioned that the cost estimate analysis done by Atkins resulted in a slightly higher cost.

Christina Cuervo mentioned that one other Miami Beach restroom is shown for comparison in the chart presented in the report, along with other comparable facilities. This was chosen because the cost was lowest. The other restrooms built by the City were more costly. Saul Gross offered that CIP bring all the prices from the other bathrooms to the Commission meeting to show the cost comparison. The last beachfront restroom was completed in 2009, when the market was low, and that restroom was more expensive per square foot than the current facilities, and more than the facility included in the report, which was built in 2006. The one built in 2009 was a smaller building.

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: T. Trujillo 2<sup>nd</sup>: C. Jacobs

PASSED: OPPOSED: R. Rabinowitz

## City Center Right-of-Way Neighborhood Improvement Project

The item is for extended RPR services with Chen Moore & Associates. The City is in litigation with the original contractor, who was terminated. The project timeline was extended to accommodate the new contractor, so the RPR services contract is also extended.

Chen Moore & Associates is the Engineer of Record (EOR), Certified Engineering Inspector (CEI) and Resident Project Representative (RPR) for the City Center project. The contract extends their RPR services. Saul Gross asked Maria Hernandez if the City is satisfied with Chen's work. She answered in the affirmative. He pointed out that they also worked with the City on the Sunset I & II project and said positive things.

Robert Rabinowitz asked for clarification about the number of hours scheduled in the contract amendment. This was clarified to his satisfaction. (Field services separated from engineering services). Mr. Vazquez said that if further explanation is necessary, CIP will clarify that.

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: R. Rabinowitz 2<sup>nd</sup>: T. Trujillo

PASSED: UNANIMOUS

## Central Bayshore and Lake Pancoast Right of Way Infrastructure Improvements

This item is for addition work requested by the residents and some additional drainage mitigation work identified by the City.

Unit prices are fixed, and the contractor agreed to work with the unit prices from the original contract, with a few exceptions. There are almost \$2 million in credits, which helped in the final net cost of the added scope.

Saul Gross noted that the Finance and Citywide Projects Committee reviewed this and approved the work and funding.

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: T. Trujillo 2<sup>nd</sup>: B. Ehrlich

PASSED: UNANIMOUS

## **Venetian Islands Right-of-Way Infrastructure Improvements**

Mr. Gross asked how this contract differs from the last contract for the project that was rejected. Mattie Reyes, Senior Capital Projects Coordinator, replied that costs had gone up. Mr. Gross wanted to know if the price increased due to utility conflicts. Ms. Reyes replied that the EOR (Schwebke Shiskin) identified conflicts in Venetian based on items that came to light in the Sunset I & II project.

Mr. Vazquez pointed out that it was necessary to wait until the County was finished with the Causeway work before going in to construction on the neighborhood project.

Christina Cuervo noted that the dewatering permits are included in the cost. The City is now discussing internally (CIP and Public Works) the concept of not obligating the contractor to 100% dewatering in the interest of saving time, not necessarily money.

Mr. Gross pointed out that Commission has to allocate additional dollars. This new contract is over \$1 million higher.

MOTION: Recommend to the Mayor and Commission to pass the resolution.

MOVED: B. Ehrlich 2<sup>nd</sup>: T. Trujillo

PASSED: UNANIMOUS

## Item No. 6: Capital Improvement Projects Website.

## Capital Improvement Projects Web Site

Maria Palacios presented on the progress of the new CIP site, which is to go live by February, 2013. The site can be navigated by searching by neighborhood, by project and by type of project. It includes information about each active project, and such items as photos, alerts and related documents.

One component of the site is an interactive map with GIS (Geographic Information System) layers, which also brings users to individual project information. Integration of this element is taking longer than expected, but the site will launch soon.

The Committee asked that contact information for the individual Public Information Officers (PIO) for the projects be included, as well as searchable copies of the Basis of Design Reports for each project will be included on the site. Staff is already working on these components.

C6C Report Of The Finance And Citywide Projects Committee Meeting Of April 25, 2013: 1)
Discussion Regarding A Recommendation By The GLBT Committee To Address The Issue Of
Benefits Tax Inequality For City Employees With Registered Domestic Partners Versus Legally
Married Spouses. 2) Discussion On Water Conservation Methods And Implementation. 3)
Discussion Regarding Budget Advisory Committee Recommended Pension Reform Policies And
Guidelines. 4) Discussion Regarding The Issue Of Encouraging Businesses To Support The
Effort Of Implementing More Homeless Meters. 5) Discussion Regarding Fine Schedules And
Enforcement Of The City Of Miami Beach Code Provisions For Police And Fire False Alarms,
Implementing Additional Fines For False Alarms, And Contracting With An Outside Entity For
Billing And Collection Services For False Alarm Fees. 6) Discussion Regarding The Florida's
Safe Routes To School Program (FLSRTS). 7) Discussion Regarding FCWPC Travel Channel's
Proposal To Film A Documentary With Miami Beach. 8) Discussion Regarding Bayfront To Miami
Ferry And A Proposal To Rent The Old Pilot House South Of Miami Beach Marina.

#### **ACTION:**

Item No. 1: Discussion Regarding A Recommendation By The GLBT Committee To Address The Issue Of Benefits Tax Inequality For City Employees With Registered Domestic Partners Versus Legally Married Spouses.

The Committee recommended refunding on a bi-weekly basis the difference in the plan cost, to the employees who have elected medical coverage for their registered domestic partner to be implemented with the fiscal year 2014 budget.

City Clerk's Note: See item R5F

## Item No. 2: Discussion On Water Conservation Methods And Implementation.

The Committee recommended CDM Smith provide the study for Single Family homes with the current data and bring it back to the full Commission.

Item No. 3: Discussion Regarding Budget Advisory Committee Recommended Pension Reform Policies And Guidelines.

Item Deferred.

# Item No. 4: Discussion Regarding The Issue Of Encouraging Businesses To Support The Effort Of Implementing More Homeless Meters.

The Committee deferred the item to the next meeting.

Item No. 5: Discussion Regarding Fine Schedules And Enforcement Of The City Of Miami Beach Code Provisions For Police And Fire False Alarms, Implementing Additional Fines For False Alarms, And Contracting With An Outside Entity For Billing And Collection Services For False Alarm Fees.

The Committee recommended that the false alarm fee for police be amended to mirror that of the Miami-Dade County false alarm provisions, as well as contract an outside agency for the purposes of collection. With the exception of keeping the \$10 dollar per year registration permit fee the same. Also recommending fines and appeals for the false alarm section of the City Code be included in Chapter 30 of the City Code to provide jurisdiction to the Special Master. The Committee also recommended that false alarms for the fire fee be \$250.00 after the 3<sup>rd</sup>-5<sup>th</sup> false alarms, the 6<sup>th</sup>-11<sup>th</sup> false alarms will be \$500.00 and after 12 false alarms, the fee goes will be \$1,000.00.

Item No. 6: Discussion Regarding The Florida's Safe Routes To School Program (FLSRTS). The Committee recommended moving forward with the application for Feinberg-Fisher and Nautilus Middle School Projects under the FLSRTS program.

# Item No. 7): Discussion Regarding FCWPC Travel Channel's Proposal To Film A Documentary With Miami Beach.

The Committee recommended moving the item to the full Commission and allowing a non-binding casting of City employees in writing that clearly states we are not committing to do the show, but allowing for City employees to be cast.

Item No. 8: Discussion Regarding Bayfront To Miami Ferry And A Proposal To Rent The Old Pilot House South Of Miami Beach Marina.

The Committee recommended closing out the item.

## **C7 - Resolutions**

C7A A Resolution Approving And Authorizing The City Manager Or His Designee To Take The Following Actions: 1) Submit A Grant Application To The Nora Roberts Foundation For Funding. In The Approximate Amount Of \$40,000, For Books And Electronic Readers (E-Readers) For The City's Parent-Child Home Program; 2) Negotiate And Execute A Contract Renewal With The Children's Trust For The Youth Development Program For Funding, In The Approximate Amount Of \$100,000, For The City's Morning All Stars Program; 3) Submit An Application To The Robert Wood Johnson Foundation Annual RWJF Roadmaps To Health Prize, To Provide Medical Attention To The Underserved And Uninsured Children Of Our Communities, And Further, Retroactively Approving The Following: 4) Submittal Of An Application To The Code For America Program For A Web Development Team To Evaluate And Implement Web And Mobile Applications; Appropriating The Above Grants, Matching Funds And City Expenses, If Approved And Accepted By The City; Authorizing The Execution Of All Necessary Documents Related To The Aforestated Applications, Including, Without Limitation, Audits Of Such Grants, And Authorizing The City Manager Or His Designee To Take All Necessary Actions Related To These Grants.

(Budget & Performance Improvement)

**ACTION: Resolution No. 2013-28198 adopted.** Patricia Walker to appropriate the funds if approved and accepted. **Judy Hoanshelt to handle.** 

## 8:07:32 p.m.

A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Qualifications (RFQ) No. 022-2013TC, For A Construction Manager At Risk Firm To Provide Pre-Construction Services And Construction Phase Services Via A Guaranteed Maximum Price (GMP) Amendment For The Scott Rakow Youth Center Ice Skating Rink, Mechanical Repairs, And Building Renovations; And Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, Thornton Construction Company, Inc.; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, Lynx Construction Management, LLC; And Further Authorizing The Mayor And City Clerk To Execute An Agreement For Pre-Construction Services.

(Capital Improvement Projects/Procurement)

**ACTION:** Item separated for discussion by Commissioner Tobin. **Resolution No. 2013-28199 adopted.** Motion made by Commissioner Tobin; seconded by Commissioner Exposito; Voice vote: 4-0; Absent: Vice-Mayor Wolfson and Commissioners Libbin and Weithorn. **David Martinez and Alex Denis to handle.** 

Commissioner Tobin stated that since pulling the item, he has already spoken to the City Manager.

C7C A Resolution Approving The City's Federal Legislative Agenda For The First Session Of The 113<sup>th</sup> Congress.

(Intergovernmental Affairs)

ACTION: Resolution No. 2013-28200 adopted. Kevin Crowder and Jorge Gomez to handle.

Handout or Reference Material:

- 1. Request to pull Item C7C from Paul Janas
- A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Amendment To The Contract Between The City Of Miami Beach And Peterson's Harley Davidson Of Miami, LLC, Dated January 27, 2011, For The Lease Or Purchase Of Police Motorcycles, In The Estimated Annual Amount Of \$99,000; Said Amendment Approving The First Year Renewal Option Of The Contract, And Further Amending Section 2.2 Thereof (Terms) To Allow Subsequent Renewal By The City Manager.

(Fleet Management)

ACTION: Resolution No. 2013-28201 adopted. Jorge Cano to handle.

## 8:07:56 p.m.

C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2, To The Existing Professional Services Agreement Between The City Of Miami Beach And Schwebke-Shiskin & Associates, Inc., For Additional Resident Project Representative And Supplemental Construction Administration Services, For The Venetian Islands Bid Package 13C Right-Of-Way Neighborhood Improvement Project; Said Amendment In The Negotiated Not-To-Exceed Amount Of \$349,957; With Previously Appropriated Funding In The Capital Budget From The Following Funds: \$181,492 From Fund 384 - 2003 GO Bonds - Neighborhood Improvements; \$100,491 From Fund 427 - Stormwater Enterprise Fund; And \$67,974 From Fund 420 - W&S GBL Series 2010.

(Capital Improvement Projects Office)

**ACTION:** Item separated for discussion by Commissioner Tobin. Resolution No. 2013-28202 adopted. Motion made by Commissioner Tobin; seconded by Commissioner Góngora; Voice vote: 4-0; Absent: Vice-Mayor Wolfson and Commissioners Libbin and Tobin. **David Martinez to handle.** 

## 8:03:07 p.m.

#### **SUPPLEMENTAL AGENDA No.1:**

C7F A Resolution Adopting Revised Administrative Guidelines For Utility Billing Deposits, Shut-Offs And Payment Plans As Recommended By The Finance And Citywide Projects Committee.

(Requested by Commissioner Deede Weithorn)

(Legislative Tracking: Finance Department)

**ACTION:** Item separated for discussion by Commissioner Libbin. **Resolution No. 2013-28203 adopted as amended to be effective immediately**. Motion made by Commissioner Libbin; seconded by Commissioner Exposito: Voice vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Patricia Walker to handle.** 

Commissioner Libbin explained that this item is the utility deposit refund, which he suggests making effective immediately to those qualified customers.

Patricia Walker, Chief Financial Officer, stated that staff is in the process of preparing a report listing qualifying customers, pending approval of the Administrative Guidelines.

Motion made by Commissioner Libbin to adopt Administrative Guidelines for utility billing deposits effective immediately; seconded by Commissioner Exposito.

C7G A Resolution Approving The Purchase Of Eight (8) Budgeted Replacement Vehicles, In The Amount Of \$191,681.26, Utilizing Florida State Contract Number 071-000-13-1.

(Fleet Management/Procurement)

ACTION: Resolution No. 2013-28204 adopted. Jorge Cano to handle and Alex Denis.

C7H A Resolution Approving A Memorandum Of Agreement (MOA) Between The City, On Behalf Of The Miami Beach Fire Department, And The United States Coast Guard Base In Miami Beach, For The Purpose Of Providing Fire Protection And Emergency Services To The Coast Guard Base, Located At 100 Macarthur Causeway, Miami Beach, And Any Moored Cutters And Small Boats.

(Fire Department)

ACTION: Resolution No. 2013-28205 adopted. Chief Javier Otero to handle.

C7I A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving The Purchase Of One (1) Ford Taurus From Bartow Ford, In The Amount Of \$22,056; One (1) Ford F-350 Truck From Alan Jay Ford, In The Amount Of \$24,942; And One (1) Ford F-150 Truck From Duval Ford, In The Amount Of \$18,504; From Contract No. 12-20-0905, With The Florida Sheriffs Association. (Fleet Management)

ACTION: Resolution No. 2013-28206 adopted. Jorge Cano to handle.

C7J A Resolution Accepting The Donation Of A Canine From The Miami Beach K-9 Knights, For A Specially Trained Canine That Will Be Utilized By The Miami Beach Police Department Operations Division Canine Squad, Which Shall Be Used For The Detection, Tracking And Apprehension Of Subjects Involved In Criminal Activity.

(Police Department)

ACTION: Resolution No. 2013-28207 adopted. Chief Martinez to handle.

C7K A Resolution Authorizing The City Manager And City Clerk To Execute A Memorandum Of Understanding Between The City Of Miami Beach, On Behalf Of The Miami Beach Police Department, And The Federal Bureau Of Investigation, South Florida Violent Crime Fugitive Safe Streets Task Force, Which Serves The Purpose Of Identifying And Prosecuting Criminal Enterprise Groups Or Individuals Responsible For Violent Crimes, And The Apprehension Of Dangerous Fugitives.

(Police Department)

ACTION: Resolution No. 2013-28208 adopted. Chief Martinez to handle.

C7L A Resolution Approving The Vacation Of An Existing City Utility Easement, Located On The Private Residential Property At 118 West Dilido Drive (The Property), And Accepting A New Utility Easement From Mary Carpenter, The Owner Of The Property, For The Construction, Installation, Maintenance, Repair, And Replacement Of A New Fifteen-Inch (15") Stormwater Outfall Pipe.

(Public Works)

ACTION: Resolution No. 2013-28209 adopted. Eric Carpenter to handle.

C7M A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Landscape And Irrigation Maintenance Memorandum Of Agreement With The Florida Department Of Transportation, For The Relocation Of Landscape Along State Road A1A/Indian Creek Drive, From 42nd Street To 44th Street, As Part Of The State Road A1A/Indian Creek Drive Project, From 42nd Street To 44th Street And State Road A1A/Collins Avenue/Indian Creek Drive Project Along 43rd Street.

(Public Works)

ACTION: Resolution No. 2013-28210 adopted. Eric Carpenter to handle.

C7N A Resolution Approving The Grant Of Three (3) Easements To The Florida Department Of Transportation (FDOT) For The Construction, Installation, Maintenance, Repair, And Replacement Of: 1) A Stormwater Pump Station And Associated Infrastructure On West Avenue At 6th Street; 2) A Stormwater Pump Station And Associated Infrastructure At The Western Terminus Of 10th Street; And 3) A Stormwater Pump Station And Associated Infrastructure At The Western Terminus Of 14th Street; Provided, However, That The Aforestated Grant Is Subject To And Contingent Upon Successful Negotiation Of The Final Easement Agreements Between The City And FDOT, Which Easement Agreements, If Successfully Negotiated And Finalized, Shall Be Subject To Final Approval By The City Manager And City Attorney; Further Authorizing The Mayor And City Clerk To Execute The Final Easement Agreements, If And When Finalized. (Public Works)

ACTION: Resolution No. 2013-28211 adopted. Eric Carpenter to handle.

#### SUPPLEMENTAL AGENDA No.1:

C7O A Resolution Continuing To Extend, On A Month-To-Month Basis, The Management And Operating Agreements Between The City And The Market Company For 1)The Operation Of The Green Markets On Lincoln Road And Normandy Isle; And 2) The Management And Operating Agreement Between The City And Production Sud, Inc., For The Operation Of The Antique And Collectibles Market On Lincoln Road; With Such Extension Commencing On June 1, 2013, And Terminable For Convenience And Without Cause, By The City At Such Time Following The Issuance Of A Request For Proposals (RFP) Resulting In The Selection And Execution Of New Contract Or Contracts For The Management And Operation Of Street Markets In Miami Beach At Various Locations.

(Real Estate, Housing & Development) (Resolution)

ACTION: Resolution No. 2013-28212 adopted. Anna Parekh to handle.

## 12:44:58 p.m.

#### **SUPPLEMENTAL AGENDA No.1:**

C7P Setting of the Public Hearing - Alton Road Historic District Buffer Overlay

A Resolution Setting A Public Hearing To Consider An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 142, "Zoning Districts And Regulations," Article III, "Overlay Districts," Creating Division 8 "Alton Road - Historic District Buffer Overlay," By Including Section 142-858 "Location And Purpose," And Section 142-859 "Development Regulations," Including Among Other Provisions Regulations On Maximum Floor Area Ratio; Maximum Building Height; Minimum Setbacks; Building Separation; Demolition Or Additions To Contributing Buildings In An Historic District; And Land Use Regulations For Location Of Retail Uses, Restaurants, Bars, Entertainment Establishments, Alcoholic Beverage Establishments And Similar Uses; Requiring Conditional Use Approval Of Such Uses In Excess Of 10,000 Sq. Ft.; And Prohibiting Alcoholic Beverage And Entertainment Establishments In Open Areas With Exceptions As Prescribed In The Ordinance; Providing For Codification; Repealer; Severability; And An Effective Date.

(Requested by Land Use & Development Committee)
(Legislative Tracking: Planning Department)
(Corrected Information)

**ACTION:** Resolution No. 2013-28213 adopted. Thomas Mooney to notice. Lilia Cardillo to place on the June 5, 2013 Commission Agenda if received. Richard Lorber to handle.

Mayor Bower explained that this item to set a public hearing was approved via Consent Agenda motion, and she wants to clarify, for the record, that the item is not going to be heard at 5:00 p.m. Residents had demonstrated confusion regarding two public hearings. She was assured that at the June 5, 2013 Commission Meeting the ordinance for parking will be heard.

Jorge Gomez, Assistant City Manager, stated that the ordinance dealing with the buffer requires a setting of a Public Hearing, and one Public Reading, since it involves less than 10 acres. The parking ordinance needs two readings.

Clerk's Note: See also item R5G.

#### **ADDENDUM NO. 3 - Resolution**

C7Q A Resolution Approving And Authorizing The Acceptance Of Donations Of Hotel Rooms Made To The City For Memorial Day Weekend.

(Tourism, Culture & Economic Development Department)

ACTION: Resolution No. 2013-28214 adopted. Max Sklar to handle.

**End of Consent Agenda** 

## **REGULAR AGENDA**

## **R2 - Competitive Bid Reports**

## 7:49:08 p.m.

R2A Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 060-2013TC, For The Sunset Harbour Pump Stations Retrofit And Drainage Improvements; Authorizing The Mayor And City Clerk To Execute An Agreement With Lanzo Construction Co., Florida; In The Amount Of \$1,854,963.40 For The Construction Of The Project, Plus Approve A Project Contingency Of 10% For A Not-To-Exceed Grand Total Of \$2,040,459.74; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Public Works/Procurement)

**ACTION:** Request authorized. Motion made by Commissioner Weithorn; seconded by Commissioner Libbin; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. **Eric Carpenter and Alex Denis to handle.** 

## 7:49:20 p.m.

R2B Request For Approval To Award A Contract, Pursuant To Invitation To Bid No. 013-2013TC, For The FEMA Impact Window Replacement Project; Authorizing The Mayor And City Clerk To Execute An Agreement With Sunryse Construction Services, Inc.; In The Amount Of \$1,012,451.41, For The Construction Of The Project, Plus Approve A Project Contingency Of 10% For A Not-To-Exceed Grand Total Of \$1,113,696.55; Further Authorizing The Administration To Engage In Value Engineering To Further Reduce The Cost And Time For Completion Of Said Project.

(Property Management/Procurement)

**ACTION:** Request authorized. Additionally the issue of a curing period is to be referred to the Finance and Citywide Projects Committee for future implementation. Motion made by Commissioner Exposito; seconded by Commissioner Weithorn; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. Patricia Walker to place on the committee agenda. **Anthony Kaniewiski and Alex Denis to handle.** 

Commissioner Libbin stated that there should be a one-week to 10 days curing period, because the goal is to obtain the best price. In this case, there is a deadline with a review period where the bids cannot be changed; but the proposers can be notified if something is wrong.

Commissioner Weithorn stated that this is a great idea.

Motion by Commissioner Libbin to send the curing period issue to the Finance and Citywide Projects Committee for discussion; seconded by Commissioner Weithorn; Voice vote 6-0. Absent: Vice-Mayor Wolfson. Patricia Walker to place on the committee agenda. **Alex Denis to handle.** 

Commissioner Libbin asked if on this item there was any recourse to cure the low bid.

Raul Aguila, Chief Deputy City Attorney, stated that there was not. He added that there was a bid protest on this item, and that the City Attorney's office responded to it. He explained that the forms were created with a mandatory requirement, and if not completed in its entirety, the bidder

would be deemed nonresponsive. He added that the City has the right to request clarification, and because price is absolutely material, it cannot be clarified. In this case, the bidder did not complete the unit price form.

Commissioner Exposito stated that they should move it with the criteria suggested by Commissioner Libbin.

**Referral:** The issue of a curing period is to be referred to the Finance and Citywide Projects Committee for future implementation.

Handout or Reference Materials:

1. Protest letter from The Window Guys and the City's response.

## **R5 - Ordinances**

#### 11:22:25 a.m.

R5A An Ordinance Amending Chapter 12 Of The Miami Beach City Code, Entitled "Arts, Culture And Entertainment," By Amending Article I Thereof, Entitled "Film And Print Production Permits," By Amending Section 10 Entitled "Enforcement"; And Providing For Repealer, Codification, Severability, And An Effective Date. 10:15 a.m. Second Reading Public Hearing

(Requested by Neighborhood/Community Affairs Committee) (Legislative Tracking: Tourism & Cultural Development) (First Reading on April 17, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3797 adopted as amended, adding that no permit will be issued to the violator or its affiliates.** Motion made by Commissioner Libbin to approve the ordinance as amended; seconded by Commissioner Góngora; Ballot vote: 6-1; Opposed: Vice Mayor Wolfson. Rafael E. Granado to transmit to Municode. **Max Sklar to handle.** 

#### Amendment:

No permit will be issued to the violator or its affiliates.

Max Sklar, Tourism and Cultural Department Director, introduced the item.

Vice-Mayor Wolfson stated that the fines are excessive.

Commissioner Tobin moved to amend the Ordinance to include that no permit will be issued to the violator or their affiliates.

Amendment accepted by Commissioner Libbin.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 774

#### 11:27:06 a.m.

R5B A

An Ordinance Amending Chapter 10 Of The Miami Beach City Code Entitled "Animals," By Amending Section 10-11, Entitled "Running At Large Prohibited," By Extending The Pilot Program Off-Leash Area For Dogs In South Pointe Park Through And Including December 31, 2013; By Amending The Afternoon Off-Leash Hours In The Designated Area From Between 4:00 p.m. And 7:00 p.m. To Between 6:00 p.m. And 9:00 p.m., Monday Through Friday; And Relocating The Off-Leash Area From The Area South And East Of The Washington Avenue Entry Plaza To Its Original Location In The Triangular Area South And West Of The Washington Avenue Entry Plaza; Providing For Repealer; Severability; Codification; And An Effective Date. 10:30 a.m. Second Reading Public Hearing

(Requested by the City Commission)
(Legislative Tracking: Parks & Recreation)
(First Reading on April 17, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3798 adopted**. Motion made by Commissioner Góngora to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 6-1; Opposed: Vice-Mayor Wolfson. Rafael E. Granado to transmit to Municode. **Kevin Smith to handle.** 

#### **RECOMMENDATION:**

Assign cleaning team to area and enforce existing laws

Paul Jonas spoke. Jean Qulick spoke.

Kevin Smith, Parks and Recreation Director, explained the item.

Commissioner Góngora stated that this issue has been discussed at many meetings, and what is on the agenda is the best compromise for the neighborhood and moved the item.

Commissioner Libbin seconded the motion.

Commissioner Weithorn stated that this location is the best location, and the best compromise.

Brian Harris, member of South of Fifth Neighborhood Association (SOFNA), spoke.

Jimmy L. Morales, City Manager, stated that the issue of the landscaping is going to the Design Review Board in June.

Diana LaSalle spoke regarding the dog feces, cleanup and the odor.

Kevin Smith, Parks and Recreations Director, stated that it is the owner's responsibility to clean up after their dogs, and the City has placed hundreds of bags for this purpose.

Discussion held.

Jimmy L. Morales, City Manager, stated that the City will look at the odor problem and see what can to resolve it. **Kevin Smith to handle.** 

Vice-Mayor Wolfson stated that there should be a team assigned to do clean up. **Kevin Smith to handle.** 

Commissioner Tobin requested better enforcement or hiring somebody to do the clean-up. **Kevin Smith to handle.** 

#### Correction:

City Clerk's note: Item includes Financial Impact Summary.

Handouts and Reference Materials:

- 1. Ad in The Miami Herald Ad # 774
- 2. Corrected Commission Memo
- 3. Email from sofna@sofna.net dated April 29, 2013 RE: Off-Leash Dog area/South Pointe Park

## 11:54:58 a.m.

R5C CD-2 Self-Storage

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 5, CD-2 "Commercial, Medium Intensity District," By Permitting "Self-Storage Warehouses" As A Conditional Use In This Zoning District; Providing For Repealer, Severability, Codification And An Effective Date.

## 10:45 a.m. Second Reading Public Hearing

(Requested by Commissioner Jerry Libbin) (Legislative Tracking: Planning Department) (Continued from April 17, 2013/Referred to LUDC)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3799 adopted**. Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 6-1; Opposed: Vice-Mayor Wolfson. Rafael E. Granado to transmit to Municode. **Richard Lorber to handle.** 

#### TO DO:

Correct misprint in the Ordinance referring to 100 feet. The actual number is 300 feet.

Richard Lorber, Acting Planning Director, explained the item. Mr. Lorber stated that this proposed Ordinance has been revised since first reading; now it only applies to Alton Road, between 6th and 11<sup>th</sup> Streets. This will allow storage warehouses and mini-storage warehouses to be permitted in the commercial district CD2, limited to this section of Alton Road and by conditional use.

Commissioner Libbin stated that this project has been vetted by the neighbors, and they are in full support. Commissioner Libbin thinks it is a good project, well designed and it is actually a beautiful building. It is surprising that it is just storage, because it is attractive; so he is happy to move the item.

Commissioner Góngora seconded the motion. Originally, Commissioner Góngora was concerned with the proliferation of additional storage facilities from this item; however, the proposed ordinance limits the scope where these facilities could go to a reasonable neighborhood, so he will second the motion.

Vice-Mayor Wolfson asked for the exact address for the storage facility. The Location is on Alton Road, between 6<sup>th</sup> and 7<sup>th</sup>.

Richard Lorber, Acting Planning Director, stated that this site is in the shadow of the flyover. He added that this is an appropriate location for this, with the restriction included in the ordinance. He added that the neighbors support this.

Vice-Mayor Wolfson inquired who the sponsor of this item was. Commissioner Libbin responded that he was. Vice-Mayor Wolfson stated, for the record, that Mr. Wayne Pathman is a member of the Miami Beach Chamber of Commerce, same as Commissioner Libbin.

Discussion held.

Wayne Pathman spoke on behalf of the applicant. Mr. Pathman stated that it is unlikely, based on the 300 feet distance separation, that the City will see a proliferation of ministorage warehouses because of this Ordinance. Mr. Pathman added that the neighborhood approves it as there is a need, and the adjacent Church approves. Mr. Pathman added that this is a difficult spot to develop, as there is no access from Alton Road.

Vice-Mayor Wolfson asked Mr. Held if this law would effectively give the applicant the only opportunity to benefit; if so would that not be then considered spot zoning?

Gary Held, First Assistant City Attorney, stated that since this is more than one property that can be developed for self-storage warehouses, it is not spot zoning.

#### 12:13:50 p.m.

Discussion about spot zoning continued.

Gary Held, First Assistant City Attorney, stated that in his opinion this is not spot zoning.

Jose Smith, City Attorney, stated that he concurs with Mr. Held that this is not spot zoning.

Vice-Mayor Wolfson stated that the Planning Staff is saying that this effectively will be the only storage warehouse developed, and there will not be a proliferation of self-storage warehouses. Yet the Legal Department states that it does not only affect one property. So the public is hearing one thing from Planning and another from Legal. The City has a legal interest not to spot zone, yet it does not want the proliferation of self-storage facility. It is an untenable situation, which is not right for the area. Vice-Mayor Wolfson stated that this looks very bad to him.

Commissioner Góngora asked Vice-Mayor Wolfson what made him change his mind since he voted for this ordinance the first time at committee.

Vice-Mayor Wolfson stated that he does not remember supporting this item, and if he did, he made a mistake.

Discussion continued.

Commissioner Tobin asked Jorge Gomez, Assistant City Manager, if he is comfortable with this ordinance.

Mr. Gomez, Assistant City Manager, stated that he is confortable if the boundaries are kept.

Commissioner Tobin stated that the Administration is proposing in this agenda to change the parking requirements for this whole area, and the reason they are changing the parking requirements is to stimulate small stores, and thereby encourage walkability. They are talking about eliminating parking requirements completely for stores that are 2,500 square feet or less in 10,000 square foot units. His question is what is the thought process to allow self-storage warehouses, which will encourage cars.

Richard Lorber, Acting Planning Director, stated that the Alton Road Parking District does not propose reduction for this type of self-storage warehouses, as cars are needed to transport the storage materials. Mr. Lorber stated that the particular area in question does not have access to Alton Road. Commissioner Tobin responded that you could not enter the site with cars, but across from this location there is a proposal to build 440 residential units, so he believes that people living across the street might walk to stores.

Mr. Lorber stated that his understanding was that the 440 residential units are small, and the residents may have a need for self-storage. There is also a demand citywide for this type of business.

Discussion continued.

Tom Mooney, Planning Department Preservation & Design Manager, read into the record the following provision of the proposed ordinance:

In the CD-2 district, each side of the first floor frontage of a self-storage warehouse building facing a street or sidewalk shall include office, retail or commercial uses. Not less than 60% of each street frontage shall consist of office, retail or commercial uses, and the remaining portion of each street front shall consist of non-commercial, recessed display areas or similar treatment.

Mayor Bower stated that this provision made her confortable.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 766

#### 2:16:09 p.m.

R5D Ordinances Amending Procedures For Vendor Preference

1. An Ordinance Amending Section 2-372 Of The Miami Beach City Code, Entitled "Procedures To Provide Preference To Miami Beach-Based Vendors In Contracts For Goods And Contractual Services;" Amending Section 2-372(1)(b) Thereof, To Require That Miami Beach-Based Vendors Have A Business Tax Receipt To Provide The Goods And Services Required Under A Subject City Bid For At Least One (1) Year Prior To The Issuance Of The Bid, As Well As Have Their Business Headquarters, Or An Office Of The Business, Within The City For A Period Of At Least One (1) Year Prior To The Issuance Of The Bid; And Amending Section 2-372(2)(b) To Limit Such Preference Only To Proposers; Providing For Codification, Repealer, Severability, And An Effective Date.

11:00 a.m. Second Reading Public Hearing

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3800 adopted.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Rafael E. Granado to transmit to Municode. **Alex Denis to handle.** 

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 774

### 2:17:43 p.m.

2. An Ordinance Amending Section 2-374 Of The Miami Beach City Code, Entitled "Procedure To Provide Preference To Veterans In Contracts For Goods And Contractual Services;" By Amending Section 2-374(2)(b) To Limit Such Preference Only To Proposers; Providing For Codification, Repealer, Severability, And An Effective Date.

## 11:00 a.m. Second Reading Public Hearing

(Requested by Commissioner Jerry Libbin) (Legislative Tracking: Procurement) (First Reading on April 17, 2013)

**ACTION.** Title of the ordinance read into the record. Public Hearing held. **Ordinance No. 2013-3801 adopted.** Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Weithorn; Ballot vote: 7-0. Rafael E. Granado to transmit to Municode. **Alex Denis to handle.** 

Commissioner Libbin introduced the item.

Handouts and Reference Materials:

1. Ad in The Miami Herald – Ad # 774

## SUPPLEMENTAL AGENDA No.1: 2:19:58 p.m.

R5E An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 54, Entitled "Floods," By Amending Article II, Entitled "Floodplain Management," By Amending Division 1, Entitled "Generally," By Amending Section 54-35, Entitled "Definitions" By Amending And Deleting Certain Definitions Therein; By Amending Division 2, Entitled "General Provisions," By Amending Section 54-38, Entitled "Designation Of Floodplain Administrator" To Designate The Building Official, Instead Of The Building Director, As The Floodplain Administrator; By Amending Division 3, Entitled "Administration," By Amending Section 54-45, Entitled "Permit Procedures" And Section 54-46, Entitled "Duties And Responsibilities Of The Building Director Or Designee" To Change All Building Director References Therein To The Floodplain Administrator; Amending Division 4, Entitled "Provisions For Flood Hazard Reduction"; By Amending Section 54-47, Entitled "General Standards," Section 54-48, Entitled "Specific Standards," And Section 54-49, Entitled "Specific Standards For A-Zones Without Base Flood Elevations And Regulatory Floodways" To Modify Certain Flood Hazard Reduction Provisions; By Deleting Section 54-50, Entitled "Standards For A-O Zones"; By Amending Division 5, Entitled "Variance Procedures," To Change All Building Director References Therein To The Floodplain Administrator; And Providing For Repealer, Severability, Codification, And An Effective Date. First Reading

> (Requested by Mayor Matti Herrera Bower) (Legislative Tracking: Building Department) (Additional Information)

**ACTION:** Item withdrawn by the Administration.

Handout or Reference Materials:

1. Email from Gabrielle Redfern dated May 7, 2013 RE: Time Certain Additions for May 8 from Mayor Bower.

#### 12:28:55 p.m.

R5F A

An Ordinance Amending The Code Of The City Of Miami Beach By Amending Chapter 62, Entitled "Human Relations," By Amending Article III, Entitled "Domestic Partnerships," By Amending Section 62-128, Entitled "Employment Benefits" To Add Section 62-128(d) To Provide Tax Equity To City Employees With Domestic Partners Enrolled In The City's Health And Dental Plans Who Currently Bear A Disproportionate Tax Burden Over That Of Their Married Counterparts. **First Reading.** 

(Requested by Commissioner Michael Góngora) (Legislative Tracking: Human Resources)

ACTION: Title of the ordinance read into the record. Ordinance approved on first reading, as amended, to implement immediately. Item referred to the Finance and Citywide Projects Committee between first and second reading to review financial impact due to pensionable amounts. Motion made by Commissioner Libbin to approve the ordinance; seconded by Commissioner Góngora; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 5, 2013. Patricia Walker to place on the committee agenda. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Sylvia Crespo-Tabak to handle.

Kathie G. Brooks, Assistant City Manager, explained the item. This item went to the Finance and Citywide Projects Committee last month, and what it seeks to do is compensate the employees who have registered domestic partnerships and are enrolled in the City's health plans for themselves and their domestic partners for the additional taxes that they pay above and beyond that which a married couple would pay if they were having the same health benefit. The employee pays additional taxes in two ways: 1) the first is on the City's share that the City contributes on behalf of the additional premium for the domestic partner; and 2) the second is on the employee's portion of the benefit. Both of those are post tax items, resulting in additional taxes. What the City did was run the numbers for each of the domestic partners registered employees that have health benefits, and determined what the difference between what they are paying in taxes now and what they would pay if they simulated that they were a married couple. That resulted in an amount that the City determined was the amount of the additional compensation that the City would have to compensate the employee for those additional taxes. Then they would be taxed on that again, and so the City did a second determination to determine what would be a fair amount to reimburse the employees. The financial impact, if the City were to pay those individuals who have domestic partners with health benefits from the City, if we were to make them whole, would be around \$54,000. However, based on the amount of domestic partners who are registered who are not availing themselves to health insurance currently, we have estimated that the City would get an approximate 40% increase in participation. Therefore, the City has estimated the impact to be about \$80,000 a year. The recommendation from the Finance and Citywide Projects Committee was that this would become effective for next fiscal year, and therefore be taken into account in the budget process.

Commissioner Weithorn asked if this amount would be pensionable. Ms. Brooks responded that it would be compensation and therefore pensionable.

Commissioner Weithorn inquired if this was vetted through the City's pension attorney to determine if this was a preferential treatment. Ms. Brooks stated that it had not.

Commissioner Weithorn stated that she had concerns, and it is important that said issue be reviewed by the City's pension experts.

Commissioner Góngora stated that he had originally referred this item, and he was happy to see when the Mayor also put it on the calendar. This is an issue of equality. Miami Beach has a long

history of treating people the same. Things are changing in this Country, and equality is becoming more and more prevalent throughout the Country. Until that time, it is important that Miami Beach treat all of its employees that have domestic partners, whether gay or straight, as this is not a gay or straight issue, with respect and support. If we really are going to say that the City offers domestic partnership benefits, then everybody should be getting the same amount of benefit. It is important that Miami Beach be the first, and stand behind our principles when we say we are going to put people first at all levels. This sends an important message throughout the community, the County and the State of Florida. Everybody in our City should be treated the same. With that said, he proudly made a motion to open the public hearing, because there are people here to speak in favor of the item.

Stratton Politzer spoke. He is the Deputy Director of Equality Florida, the statewide lesbian, gay, bisexual, transgender rights organization, with 165,000 members across the State, including over 20,000 in Miami-Dade. They are proud of Miami Beach and its team for bringing this Ordinance forward. Equality Florida has worked with the City on a number of issues throughout the years, and they look to Miami Beach to set the standard and draft policies that they can then encourage other communities through Florida to adopt. When the City passed an equal benefits ordinance seven years ago, they immediately reached out to other Cities, and now five cities across the State have equal benefits ordinance, and Hallandale Beach is expected to pass one this month. Several other communities in Florida have passed tax equity policies similar to this, but none is nearly as strong and well thought out as the one the City is putting forward. They see this Ordinance as the model they want to take elsewhere in the State. It has been a pleasure working with the City's staff. They have thoroughly reviewed and done the homework to make sure this is really a strong policy that will stand up. Because Equality Florida works with other states from other countries, they plan to introduce this Ordinance as a model across the United States. He thanked the Mayor and Commission for bringing the matter forward, and stated that Equality Florida stands in full support.

C.J. Ortuno, Executive Director of Save Dade, spoke. Mr. Ortuno, a Miami Beach resident, stated that he loves his City. Even though his job is a reminder every single day that equality is not the norm, he comes home to a City where equality is the standard. The Commission's leadership on LGBT equality issues is exactly what people are talking about across the Country. The Miami Beach Commission's ability to take a proactive stand is what drives the pack. The Commission's ability to treat its employees with the same respect and dignity is really what is important. These are employees who are putting their lives on the line the same as their straight counterparts; they are working the same long hours. He wants to commend the City of Miami Beach and the staff that has been working on this. A fundamental principal exists in the work that he does, in the absence of Federal or State protection, local government answers the call and they provide those protections for their employees and residents.

Commissioner Libbin stated that assuming Commissioner Weithorn' concern is reviewed, and what is being proposed can be done, he will like to make a friendly amendment. He stated that there is no reason why this should not be implemented immediately. We are two thirds of the way through the year. There are employees who qualify right now, and for a token amount of money, \$20,000 maximum, he sees no reason why this should not be implement immediately. Commissioner Góngora seconded the motion.

Commissioner Weithorn stated she is in support of this. She is unhappy that local government has to do what the Federal government will not. We all need to be constantly keeping the pressure – and she asks Equality Florida to keep the pressure on the Federal Government to do what is right. We as a City pay what they will not do. Because they will not do what is right. We as citizens have to pay because Washington cannot become organized, and she is outraged. She wants a promise that every year this will be coming back, and we need to constantly tell the

Federal Government to fix it. This is not something cities should be doing; now when there are eleven states that have gay marriage – and we live in a dark age State. She does not want anyone to think that this is a wonderful day in Florida. It is a terrible thing that we have to do this at the local level, because our Federal government will not. Let us not pat ourselves in the back and feel good. We feel good because we are progressive, when our Federal government cannot become organized.

Vice-Mayor Wolfson stated that there is a tremendous sense of disappointment nationally that the rest of the Country does not seem to be as progressive as we are. It is nice to see this kernel of hope, and see that Miami Beach is being looked at in that regard. It is very encouraging thing to be in that group of folks who take a step forward and speak strongly and before others. It is the dark ages in many respects, but if other municipal governments take this step, maybe little by little it becomes a wave and you obtain the right result on a grandeur scale. That is how this whole thing is going – little by little, we are chipping away at stupidity and ignorance. We should be happy with every little bit of progress. He thanked Commissioner Góngora for his work.

Commissioner Tobin stated that Washington is disconnected, and local government is going to be a catalyst for change in many areas nationally. There is a certain positive to things getting started and changing from the local up. He has a feeling that in the coming decades the way that we are going to get Washington to be more responsive in many issues is from the local level. That is why it is so important to have great and progressive leadership on the local level, because that is what will change Washington.

Commissioner Exposito congratulated staff for their hard work. They did an exceptional job. He fully understands Commissioner Weithorn's statements. However, as Commissioner Tobin stated, we need to set the example and act. Because of these grassroots movements, we will make the changes necessary to bring equality through our Country, and we are doing the right thing today.

Commissioner Góngora thanked his colleagues. Despite the difference that they may have on some issues they come together on important issues, and set the example, what is so important throughout the County, State and Country, is that Miami Beach is going to continue to be progressive leaders. He thanked Equality Florida and Save Dade for being present today. Commissioner Góngora thanked the staff, especially Kathie G. Brooks, Carla Gomez and Robert Rosenwald. He further expressed his gratitude to the board members that brought this forward from the Mayors' LGBT Business Enhancement and the Miami Beach Human Rights Committee. It is a very proud moment for him and the City that we are promoting equality at this level.

The Mayor said she is there all the time, and does not need to speak on it. She loves action.

#### Handout or Reference Materials:

1. Email from Gabrielle Redfern dated May 7, 2013 RE: Time Certain Additions for May 8 from Mayor Bower.

### 7:38:55 p.m.

R5G Sunset Harbour Residential Parking Requirements

An Ordinance Amending The Code Of The City Of Miami Beach, Florida By Amending Chapter 130, "Off-Street Parking," Article II "District; Requirements," Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3, 4 And 5," By Amending The Parking Requirements For Sunset Harbour Parking District No. 5 For Residential And Live-Work Type Uses; Providing For Codification; Repealer; Severability; Applicability; And An Effective Date. First Reading (Requested by the Land Use & Development Committee)

(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Commissioner Libbin; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 5, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.** 

Richard Lorber, Acting Planning Director, introduced the item. Mr. Lober stated that the purpose of this ordinance is to encourage small projects and live/work units in the Sunset Harbour area. The previous ordinance, adopted a few months ago, focused on retail, restaurants and commercial businesses. During the adoption process, questions were asked if this could not be expanded to live/work units to encourage the restoration and retention of existing buildings.

## 7:41:42 p.m.

R5H Accessory Setback Encroachments

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, Entitled "Zoning Districts And Regulations," By Amending Article IV, "Supplementary District Regulations," Section "142-1132" To Modify The Setbacks For Allowable Encroachments Including Driveways, Carports And Mechanical Equipment; By Amending Section "142-1133" To Modify The Setback Requirements For Swimming Pools And The Requirements For The Construction Of Swimming Pools On Corner And Thru Lots Within Single Family Districts; Providing For Codification; Providing For Repealer, Severability And An Effective Date. First Reading

(Requested by the Land Use & Development Committee) (Legislative Tracking: Planning Department)

ACTION: Title of the ordinance read into the record. Ordinance approved on first reading as amended, requiring noticing to the neighbors, and referred to the Land Use and Development Committee between first and second reading. Motion made by Commissioner Góngora to approve the ordinance and refer to committee; seconded by Commissioner Exposito; Ballot vote: 6-0; Absent: Vice-Mayor Wolfson. Second reading and Public Hearing scheduled for July 17, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. Richard Lorber to place on the committee agenda and to handle.

#### Amendment:

Add language that advance notice to the neighbors is required.

### Referral:

Referred to the Land Use and Development Committee between first and second reading.

Richard Lorber, Acting Planning Director, introduced the item.

Mayor Bower asked if the neighbors have been advised of this change on the setback. Mr. Lorber Prepared by the City Clerk's Office Page No. 40

replied that there was no notice requirement.

Discussion held.

#### Amendment:

Motions made by Commissioner Góngora, with additional language to be included in the ordinance giving notice to the immediate neighbors, and allow some time.

Richard Lorber, Acting Planning Director, stated that this language would be reviewed between first and second reading.

Jorge Gomez. Assistant City Manager, stated that if they stay with the current setbacks and it does not need a variance, they can obtain a permit and in lieu of a variance, and it will require a proper noticing period.

Jose Smith, City Attorney, inquired what would occur if the neighbors object to the setback. **Legal to draft appeals provision.** 

#### 7:47:53 p.m.

R5I Minimum Unit Sizes For Historic Hotels And RM-2 Tower Setbacks

An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," By Amending Article II, "District Regulations," By Amending Division 3, "Residential Multifamily Districts," By Amending Section "142-155" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-1 District; By Amending Section "142-217" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-2 District; By Amending Section "142-218" To Modify The Tower Setback Requirements Within The RM-2 District; By Amending Section "142-246" To Modify The Requirements For Minimum Hotel Room Size For Historic Hotels Within The RM-3 District; Providing For Codification; Repealer, Severability And An Effective Date. First Reading

(Requested by the Land Use & Development Committee)
(Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. **Ordinance referred to the Historic Preservation Board.** Motion made by Commissioner Weithorn to refer the ordinance to the Historic Preservation Board; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. Thomas Mooney to place on the board agenda. **Richard Lorber to handle.** 

### Referred:

Historic Preservation Board

### 2:20:43 p.m.

R5J Alton Road Parking District No. 6

An Ordinance Amending The Code Of The City Of Miami Beach, Florida, By Amending Chapter 130 Off-Street Parking, Article II "Districts; Requirements," Section 130-31 "Parking Districts Established," Creating A New Parking District No. 6, And Section 130-33 "Off-Street Parking Requirements For Parking Districts Nos. 2, 3 And 4," By Adding New Parking Regulations For Parking District No. 6, For Properties With A Lot Line On Alton Road From 5th Street To Dade Boulevard, Including A Reduction In Off-Street Parking Requirements For Certain Land Uses And Bicycle Parking Requirements; Providing For Codification; Repealer; Severability; And An Effective Date. **First Reading** 

(Requested by Vice-Mayor Jonah Wolfson) (Legislative Tracking: Planning Department)

**ACTION:** Title of the ordinance read into the record. **Ordinance approved on first reading as amended to include incentives.** Motion made by Commissioner Weithorn to approve the ordinance; seconded by Vice-Mayor Wolfson; Ballot vote: 7-0. Second reading and Public Hearing scheduled for June 5, 2013. Rafael E. Granado to notice. Lilia Cardillo to place on the Commission Agenda when received. **Richard Lorber to handle.** 

#### Amendment:

To include the following incentives:

Provide parking for the employee in the parking garage; and

Provide a tram (preferably electric) to provide transportation for the residents.

Richard Lorber, Acting Planning Director, introduced the item.

Discussion held.

Russell Galbut spoke.

Discussion continued.

Commissioner Góngora stated that there has not been a workshop on traffic and transportation. He suggested holding a workshop on this issue at a Special Land Use and Development Committee meeting. Richard Lorber to place on committee agenda and to handle.

Mayor Bower will vote "yes," with the condition that the number of parking spaces is looked at. This garage was originally built to accommodate mass transit (Bay Link) coming through 5<sup>th</sup> Street, and utilizing this garage for drivers to leave their vehicles and utilizing mass transit. Mass transit is in the forefront again, and she wants someone to study the impact of utilizing these parking spaces if mass transit comes through 5<sup>th</sup> Street. **Eric Carpenter and Jose Gonzalez to handle.** 

#### Incentives:

Commissioner Tobin stated that for the commercial 60,000 feet, they need to agree to pay for parking for the employee so they can park in the garage, and they should agree to some type of electric tram to provide transportation for the residents. **Richard Lorber to handle.** 

Russell Galbut agreed.

Jorge Gomez, Assistant City Manager stated that these items should be added into the ordinance for second reading. **Richard Lorber to handle.** 

Commissioner Weithorn stated that the language should be to "incentivize mass transit.

Discussion continued.

## Handout or Reference Materials:

1. Email from Gabrielle Redfern dated May 7, 2013 RE: Time Certain Additions for May 8 from Mayor Bower.

## **R7 - Resolutions**

#### 2:14:56 p.m.

R7A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. 10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development) (Continued from April 17, 2013)

**ACTION:** Heard in conjunction with RDA Item 1A. **Item opened and continued to June 5, 2013.** Motion made by Commissioner Weithorn, seconded by Commissioner Tobin; Voice-vote: 7-0. Lilia Cardillo to add to the City Commission Agenda if received. **Anna Parekh to handle.** 

Handouts and Reference Materials

1. Ad in The Miami Herald – Ad 770

### 2:18:34 p.m.

A Resolution Granting A Revocable Permit To Ungar-Marshall Company (Applicant), As The Owner Of The Retail Property Located At 4100 1001 Lincoln Road (The GAP Store), Following A Duly Noticed Public Hearing, To Allow For The Placement And Maintenance By Applicant Of The Following Encroachments Into The Public Rights Of Way Adjacent To The Property: 1) A Proposed Metal Canopy With Horizontal Dimensions Not To Exceed Five-Feet Eleven-Inches (5'-11") Along Michigan Avenue, Six-Feet (6') Along Lincoln Road Mall, And Ten-Feet Four-Inches (10'-4") Above The Sidewalk; And 2) A Proposed Concrete Eyebrow, Having Horizontal Dimensions Not To Exceed A Length Of 6-Feet (6') Along Lincoln Road And Michigan Avenue, At A Height Of Approximately 30-Feet (30') Above The Sidewalk. 11:15 a.m. Public Hearing (Public Works)

**ACTION:** Public Hearing held. **Resolution No. 2013-28215 adopted.** Motion made by Commissioner Weithorn, seconded by Commissioner Góngora; Voice-vote: 7-0. **Eric Carpenter to handle.** 

Eric Carpenter, Public Works Director, introduced the item.

#### Correction:

City Clerk's Note: The address is 1001 Lincoln Road. The advertisement for this item did show the Prepared by the City Clerk's Office Page No. 43
M:\\$CMB\CITYCLER\AFTERACT\2013\05082013\Afteraction\aa05082013.docx

correct address.

Handouts and Reference Materials

1. Ad in The Miami Herald – Ad 775

#### 11:45:07 a.m.

R7C A Resolution Adopting And Appropriating The Third Amendment To The Police Confiscation Trust Budget For Fiscal Year 2012/2013 In The Amount Of \$95,000, To Be Funded From The State Confiscated Funds. 11:30 a.m. Public Hearing

(Requested by Commissioner Jerry Libbin) (Legislative Tracking: Police Department)

**ACTION:** Public Hearing held. **Resolution No. 2013-28216 adopted.** Motion made by Commissioner Libbin, seconded by Commissioner Exposito; Voice-vote: 7-0. Patricia Walker to appropriate the funds. **Chief Martinez to handle.** 

### **RECOMMENDATIONS**

Purchase a License Plate Reader (LPR); Chief Martinez to handle.

Purchase and install an additional camera for the bridge, for first responders to know when the bridge is open. Commissioner Tobin suggests prior to installing camera at the bridge, having the Police Department meet with the residents to decide on the best location. **Chief Martinez to handle.** 

Commissioner Libbin explained that this item is a modification to the Police Confiscation Fund to allow for the expenditure of \$95,000 for the installation of permanent license plate readers and installing a camera on the bridge for emergency vehicles when approaching the bridge. This is a safety issue and the camera and installation is approximately \$10,000. He suggests doing both, the LPR and the camera, as soon as possible. **Chief Martinez to handle.** 

Commissioner Tobin stated that he is not sure the extra camera in the location that Commissioner Libbin wants is the best location. He agrees with approving the extra camera and let the Police Department meet with the residents to decide the best location for it. **Chief Martinez to handle.** 

Commissioner Libbin agreed with Commissioner Tobin's suggestion.

Juergen Brendel spoke. Debra Leibowitz spoke.

Handouts and Reference Materials

2. Ad in The Miami Herald - Ad 775

### 7:53:44 p.m.

A Resolution Waiving, By 5/7th Vote, The Competitive Bidding Requirement, Finding Such Waiver To Be In The Best Interest Of The City, And Approving The Purchase Of One (1) Pierce Custom Pumper Fire Engine From Pierce Manufacturing, Inc., In The Amount Of \$720,106.90; From Contract No. 11-10-1202, With The Florida Sheriffs Association.

(Fleet Management/Procurement)

**ACTION:** Resolution No. 2013-28217 adopted. Motion made by Commissioner Weithorn, seconded by Commissioner Libbin Voice-vote: 6-0 Absent: Vice-Mayor Wolfson. **Jorge Cano to handle.** 

### **R9 - New Business and Commission Requests**

R9A Board And Committee Appointments

(City Clerk's Office)

(Requested by Mayor Matti Herrera Bower)

**ACTION:** The following appointments were made:

**Charter Review Revision Board:** 

Scott Diffenderfer Term ending 01/01/14 Appointed by Commissioner Exposito Jacqueline Lalonde Term ending 01/01/14 Appointed by Commissioner Góngora Rick Kendle Term ending 01/01/14 Appointed by Commissioner Tobin

Committee for Quality Education in MB:

Citywide

Jill Swartz Rep. of the PTA for MB Senior High School 6/30/14

Term ending 12/31/2013

**Community Development Advisory Committee:** 

Appointed by Commissioner Góngora

TL 12/31/20

**Disability Access Committee:** 

Andrew Feuerstein Term ending 12/31/2014 Appointed by Commissioner Libbin TL 12/31/19

Fine Arts Board:

Mark Balzli

Ivan Pol Term ending 12/31/2014 Appointed by Commissioner Góngora TL 12/31/20

Miami Beach Commission for Women:

Kristen Rosen Gonzalez Term ending 12/31/2014 Appointed by Commissioner Wolfson TL 12/31/20

Parks and Recreation Facilities Board:

Kim Brown Eve Term ending 12/31/2013 Appointed by Commissioner Góngora TL 12/31/20

**Tennis Advisory Committee:** 

Stefan Zachar Term ending 12/31/2013 Appointed by Mayor Bower TL 12/31/20

**Transportation and Parking Committee:** 

Madeleine Romanello Rep. for MBCC 12/31/13

R9A1 Board And Committee Appointments - City Commission Appointments. (City Clerk's Office)

**ACTION:** No appointments made.

Handout or Reference Materials:

- 1. Email from William Cary dated February 28, 2013 RE: Death of DRB Member Lilia Mendoza.
- 2. Memorandum from Rafael E. Granado, City Clerk to Mayor Matti Herrera Bower and Members of the City Commission dated May 8, 2013 RE: City Commission At-Large Nominations for Wednesday, May 8, 2013 Release #1.
- 3. LTC 149-2013 dated May 2, 2013 from Rafael E. Granado, City Clerk to Mayor Matti Herrera Bower and Members of the City Commission RE: Personnel Board Vacancies.

## 12:46:40 p.m.

R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.)

**ACTION:** The following individuals spoke:

1. Paul Janas asked about the time the meeting started. He also asked if they could reconsider Consent Agenda Item C7C.

Mayor Bower explained that Mr. Janas is concerned with the Legislative Agenda item.

Commissioner Tobin explained that the City Charter states that items should not be adopted without public comment if there is significant impact, and asked him to tell them about his concerns.

Mr. Janas stated that his concern is the Federal budget. In 2012, the Federal budget spent three trillion, five hundred thirty-eight billion dollars. On this Legislative Agenda, there is a part where the City is seeking to spend roughly \$3 billion from the Federal budget. He is concerned that the City is undergoing unnecessary spending.

Commissioner Weithorn explained that by approving the item, they are advocating for the City's share of the Federal monies, which has traditionally been received from Federal programs.

Mr. Janas asked that the Commission instruct the Federal government to reduce Federal programs and reduce income taxes.

2. Jane Lawson stated that she was surprised when she heard that there was an emergency item (R9O) regarding the Convention Center, which had not been noticed to the public. She is in support of what Vice-Mayor Wolfson stated. She finds it an abuse of political power to have a ballot item discussed as an Emergency Item without proper notice. This is the most important thing that they will be deciding for over a decade; a \$1 billion dollar project, and they are discussing parts of it without notice to the public; that is wrong. She urged the Commission to defer the item to another time when the public has been properly noticed.

Commissioner Tobin corrected, for the record, that the project is half a billion dollar project, and that the other side is private funding. Discussion held.

3. Albert Machado, a United States Citizen and of Cuban origin, stated that the situation with the bus drivers is worsening; he contacted Mr. Parker and Sandra Washington and they are doing

a good job, but the County bus drivers do not listen to their supervisors. He stated that he was in Government Cut in a dangerous area, and the bus driver did not let him get on the bus because of his bike. He had to wait two hours and received help after speaking to Mr. Parker. The driver that broke his ribs is driving as if nothing happened and he does not know why no one is doing anything about it. He also asked about the bicycle racks on Lincoln Road and why they had not been moved.

Mayor Bower requested that someone be sent to this area to look at the bicycle racks, as this is a valid complaint. **Eric Carpenter and Jose Gonzalez to handle.** 

# 12:57:25 p.m.

### 1:36:56 p.m.

4. Michael Larkin, Esq., representing The Marriot Hotel Corporation introduced the item.

#### FINAL MOTION

Motion made by Commissioner Weithorn to hear this item at a Special Commission Meeting, May 15, 2013 at 9:00 a.m., at the Miami Beach Convention Center, 1901 Convention Center Drive, Miami Beach, Florida, Hall C, First Floor, Ballroom 4; seconded by Commissioner Góngora. Voice-vote: 7-0.

## City Clerk's Note May 10, 2013:

A Notice of Cancellation has been sent to mass-mailing lists. This Special Commission Meeting has been rescheduled for Monday, May 20, 2013 at 9:00 a.m. in the Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, and will be properly advertised.

#### Recommendations

Notify property owners Notify individuals present at the last LUDC meeting Provide sign-in sheet for public

Michael Larkin, Esq., introduced his co-counsels John Schubin and Mickey Marrero. He explained that they represent The Marriott Hotel Corporation, who is renovating the Seville Hotel at 29<sup>th</sup> and Collins. The project has been well received by the Administration and Land Use boards. It is his understanding that at the February 8, 2013 Commission Meeting, the Commission asked for a freeze on the issuance of any permits for the demolition of the existing boardwalk in favor of a beach walk. He is asking for an exemption from this policy for their permit for a beachwalk, based on their reliance on City policy that has been in place for a number of years. In June 2011, the project was started, and they were made aware of the policy. They thought it would be a good idea if they made a voluntary proffer to construct a beachwalk; and they did so; this is a significant undertaking. Since the last two years, the project has been designed with a beachwalk, not a boardwalk, in mind and hundreds of thousands of dollars have been spent in design and man-hours in reliance of this policy, and to change direction now it would cost millions of dollars and would be a significant injury to The Marriot Corporation. He asked for a very narrow exemption in light of the fact that they spent the last two years designing a beachwalk, not a boardwalk.

Mayor Bower stated that the Sutnick Hour is not the place to hear this issue. Commissioner Tobin agreed that this item should have been added as an Emergency Item to the Agenda.

Mr. Larkin explained that at the February Meeting this issue of freezing permits was heard during Sutnick Hour. Discussion held.

Jorge Gomez, Assistant City Manager, explained that their properties are located from 29<sup>th</sup> to 30<sup>th</sup> Streets, and there are pieces of the elevated boardwalk on both sides of the Marriott property. The matter was heard during Sutnick Hour regarding demolition of elevated boardwalk, and it was referred to the Land Use and Development Committee (LUDC). The matter is still at LUDC and they are looking at several options including the possibility of creating a bike path next to it. He informed the Commission that representatives from The Marriot voiced their concerns at the LUDC meeting in terms of the predicament they are in. At LUDC, one resident from Triton expressed his concern.

Mr. Larkin spoke to Mr. Tapas who was not aware of how far along they were in the process. Discussion continued.

Commissioner Góngora explained that there are two petitions travelling throughout the City to save the boardwalk. This property owner raised the concern but he does not know if it can be resolved today or if it should be referred back to Committee.

Jimmy L. Morales, City Manager, stated that one of the frustrations at the LUDC with this issue is the perception from the community that the boardwalk had to come down, and that the City's policy was to in fact tear down the boardwalk. They have requested to get a letter from the Florida Department of Environmental Protection (DEP) to clarify exactly what is the State's position regarding the boardwalk; to either be kept and maintained by the City or bring it down. He asked for guidance as to how to proceed as this is a State issue.

Mayor Bower asked if they could wait until the next meeting. Michael Larkin, Esq., stated that they have significant timing issues with everything keyed towards a starting date of June 1. This is the last signature needed from Public Works to sign off on the permit. Discussion continued.

Commissioner Tobin stated that he was under the impression that the State of Florida had laws; they used to enforce this policy of no construction on the ocean, and these boardwalks in particular, because during high tide, water settles and waves push wooden structures, loosening them and moving them. Prior to this Governor's administration, the State was more focused on environmental matters, and this type of matters in particular, and with the merging of departments, there is less enforcement of sewer spillage in the bay and other issues. Secondly, the boardwalks are not historic structure; they asked this developer to spend the money and do this and they have spent significant amount of money to do what the Commission asked them to do; and because one resident spoke at the meeting and started that petition; they took legislative action during Sutnick Hour and "threw a wrench" to this \$400 million renovation project before they needed a signature. It would be unfair to "throw a wrench" at this time. They should be let out of this "moratorium" and get the signatures needed.

Mayor Bower requested expediting this issue and she will personally speak to someone at the DEP.

Gary Held, First Assistant City Attorney, clarified that the City did not intend to adopt a moratorium by taking an Administrative action. Staff is ready to issue permits, if allowed by the Commission. Discussion continued.

Mayor Bower stated that the Commission did not set a moratorium during Sutnick Hour, and Mr. Larkin agreed. Discussion continued.

Jorge Gomez, Assistant City Manager, informed that the minutes of the LUDC were approved

via Consent Agenda, Item C6A, and suggested that they reconsider the vote and separate the item to have a forum for discussion, rather than Sutnick Hour.

Mayor Bower postponed the item until item is reviewed.

### 1:37:00 p.m.

Mayor Bower stated that she would not vote against the residents; however, she is concerned with the issue of the process of commission committee actions. In this case, the Commission accepted the LUDC report (Item C6A), but they need to clarify action to be taken after this.

Jimmy Morales, City Manager, stated that unless the Commission in February specifically voted to direct staff not to issue permits, he thinks a simple referral to Committee is not necessarily stopping the permitting process.

Jorge Gomez, Assistant City Manager, announced that two actions were reported in February: 1) Motion by Commissioner Libbin to give Administration direction that future segments of the beachwalk should be elevated in order to have ocean view; seconded by Commissioner Góngora and 2) Motion by Commissioner Góngora to refer the boardwalk and beachwalk matters to the LUDC; seconded by Commissioner Tobin.

Discussion continued.

Motion by Commissioner Tobin to allow the permitting process; seconded by Vice-Mayor Wolfson. Discussion continued regarding opposition to the motion.

John Schubin, Esq., representing Marriott Corporation, explained that the law is consistent with common sense; in the State of Florida there is equitable stopple; it is typically when you have a permit, in this case full building permits with substantial reliance. This is a project that is over 50% in terms of completion and the losses would be extraordinary to the Corporation. They agree that at Sutnick Hour in February it was not official action; it did not meet the requirements for a moratorium as Mr. Held mentioned; if that action in February had no legal significance, then your staff has the legal authority to issue the permit as it is consistent with the comprehensive plan, and failure to do so would be inappropriate. Unless the Commission gives an affirmative vote not to issue the permit, the staff has the power and obligation to issue the permit and there does not need to be a vote unless you want to instruct them otherwise.

Commissioner Libbin explained that Mayor Bower pointed that out. The Commission was under the impression that the State requires the boardwalk to come down. If now we were giving an opportunity to vote, he would not want the boardwalk to come down. Discussion continued.

Jimmy Morales, City Manager, stated that there is a possibility that the DEP will send a letter stating that the City will be able to maintain the boardwalk, but not tear it down or expand it, but the issue is that in the absence of direction, staff will interpret the applicable codes and rules and reserve judgment. The Master Plan as adopted by the Commission states that the boardwalk is to come down.

Mayor Bower reiterated that motions should not be made during Sutnick Hour and thereby these issues would be avoided. She requested clarification of the acceptance of C6A and clarification of the motion.

Vice-Mayor Wolfson stated that if this body does not want the boardwalk torn down, a Prepared by the City Clerk's Office Page No. 49

subsequent motion has to be made not to tear it down and have a vote on that.

Commissioner Góngora stated that the motion on the table is to allow them to take down the boardwalk and construct a beachwalk. There being no support for the motion, it was withdrawn by Commissioner Tobin.

Jose Smith, City Attorney, opined that as a matter of law, the Marriot representatives are vested, they have development rights and if they go to court, the City will lose. His recommendation is to allow signing off on the permits and letting them do whatever they had been previously approved to do; otherwise, the City is exposed to huge amounts of damages. There is no need for a motion, but that is what the law is.

Commissioner Góngora is voting against tearing down the boardwalk. This has not been noticed to the residents and the way is being handled is not appropriate. Mayor Bower agreed and others expressed their opposition.

Jimmy Morales, City Manager, suggested that language in the February meeting did not instruct Administration not to issue the permits.

Commissioner Góngora made a motion not to tear down the boardwalk and for Administration not to take any action to allow taking the boardwalk down.

Jose Smith, City Attorney, explained the damages incurred as result, which can be millions that the City is liable for. Discussion continued regarding other properties that can also sue the City.

Commissioner Libbin suggested having a public meeting properly noticed. Discussion was held regarding Special Commission meeting to discuss at length.

Jimmy Morales, City Manager, suggested holding a half hour Emergency Meeting prior to the Workshop on May 15, and then the Commission can give direction.

Jose Smith, City Attorney, stated that this meeting should be noticed as a Special City Commission Meeting.

Motion made by Commissioner Weithorn to hear this item at a Special Commission Meeting; seconded by Commissioner Góngora; notify property owners and those individuals present at the LUDC meeting, and ensure that a sign-in sheet is provided.

The meeting to discuss the City's Boardwalk between 26<sup>th</sup> and 46<sup>th</sup> Streets was announced at 5:14:45 p.m., by Rafael E. Granado, City Clerk.

#### 5. **1:15:38 p.m.**

Todd Glickman, Vice-President of Development for Global Spectrum and Comcast-Spectacor, explained that he is there to speak in regards to the ITN for food and beverage discussed at the April 17 Commission Meeting. On behalf of Global Spectrum and Comcast-Spectacor, and Chairman Peter Luukko, they want their business. Two options were brought forth; a) contract with the second and third provider; and b) for Global Spectrum to provide food and beverages. Global Spectrum has been an outstanding partner with the City, the Convention Center and Art Basel; food is critical to them; it is No. 1 in Customer Services. Option b is not a new concept; it is done nationally and locally in the States, i.e., in Chicago, San Francisco and Palm Beach County. A selection committee reviewed all the bids and scored Ovations the highest in a number of categories. Ovations offered a \$3.5 million return back to the

facility over the life of the deal; which is higher than the second ranked responder, and they think that is critical. He asked if this item could be brought back up for discussion or at the next meeting.

Commissioner Tobin asked the City Manager what the Ethics Commission had recommended from the last discussion held. He recalls the fact that the Ethics Commission had opined that it was unethical for the City to contract with them, but the Ethics Commission also stated that it would be unethical for the City to hire the catering company and have them supervise; no one mentioned the fact of having the person running the center also run the food. There was a significant difference between the first and second proposer in scoring. Is there a method to have the issue discussed so that this can be brought to life?

Jimmy Morales, City Manager, explained that the recommendation from the Evaluation Committee was to negotiate with the top three, and his part of his recommendation in the memorandum was that he could not do that given that structure, as it was a structure of where Global would be deemed to have an oversight over Ovations. That structure is what the City Attorney's Office and the Ethics Commission said it was a conflict of interest. If the Commission wants to pursue an option, then negotiate to allow Global to be both the management of the Convention Center and the food and beverage provider, then it would not be a conflict of interest.

#### Discussion held.

Max Sklar, Tourism and Convention Development Director, stated that since the cone of silence was lifted, Global Spectrum has been involved in negotiations and they are overseeing the contract. Discussion held.

Commissioner Libbin stated that it is important to know who is winning and losing the contracts at other municipalities. In looking at a 10-year record of accomplishment, one City had Ovations, Centerplate had 11 contracts out of the 30 cities and have kept them all. Discussion continued.

Commissioner Góngora stated that a decision was made and they should leave it at that.

Jimmy Morales, City Manager, clarified that Global is contractually obligated to help the City select the food and beverage provider. Discussion continued.

Commissioner Weithorn stated that they made a decision at the April 17 Commission Meeting, and they need to move forward. The City Manager had a well-written memo last month and that is why there was not too much discussion on it.

Jimmy Morales, City Manager, explained that he tried to explain procedurally what they could do to have a vote reconsidered and that is why they are here.

Tom Marchetto, Senior Vice-President Strategic Marketing, with Ovations stated that is industry practice that some of these contracts change hands over time, and they are all competitive bids processes. He is not sure where the data came from, they win and lose some, but they are still competitors. There is a significant amount of economic impact that Ovations had in this deal that the City will not receive with the current companies that the City is negotiating with. He requested reconsideration of prior vote. Discussion continued.

Commissioner Tobin added that the selection committee recommended the No. 1, the Ethics issue was brought up and everyone on the dais chose No. 2. The Ethics issue dominated the

discussion.

6. Carla Probus stated that she felt sorry for "The Marriot Man" because he has all his plans designed. She explained that her item is the lighting issue behind The Continuum. She met with Chief Overton and Betsy Wheaton to work out the beachwalk project from South Pointe Drive to 3<sup>rd</sup> Street, and in one of the discussions, they discover that behind the Continuum they did a similar walk but no lighting was installed. She is concerned about the lighting along the boardwalk behind the Continuum and wants to know if this can be added as part of the construction that starts in July. Jorge Gomez, Eric Carpenter and Jay Fink to look into lighting behind the Continuum.

### 8:08:43 p.m.

R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

**ACTION:** The following individual spoke:

 Sherry Kaplan Roberts thanked Commissioner Góngora for bringing the issue of the rights for benefits for domestic partners to the Commission today. She and her partner have been together for 30 years and she thanked him for leading the way, and perhaps the Country will come forward and follow the lead.

R9C Update On The Miami Beach Convention Center Project. (City Manager's Office)

**ACTION:** Item not reached.

R9D Discuss A Resolution Requiring The Two Short Listed Proposer Firms Being Disqualified If They Do Not Submit The Required Affidavits On Or Before May 1, 2013, For The Convention Center RFQ.

(Requested by Vice-Mayor Jonah Wolfson) (Not Reached on April 17, 2013)

**ACTION:** Item not reached.

R9E Discuss Repealing Sec. 74-1, Entitled "Soliciting Business In Public From Pedestrians" Of The Code Of The City Of Miami Beach, Florida And/Or A Referral To The Land Use And Development Committee To Discuss Said Section 74-1.

(Requested by Vice-Mayor Jonah Wolfson) (Not Reached on April 17, 2013)

**ACTION:** Item not reached.

R9F Discussion Of Actuarial Valuation Reports For The City's Two Pension Plans, The Miami Beach Employees Plan And The City Pension Fund For Firefighters And Police Officers.

(Requested by Commissioner Deede Weithorn)
(Not Reached on April 17, 2013)

**ACTION:** Item not reached.

### 5:16:06 p.m.

R9G Discussion Regarding A Resolution Pursuant To City Code Section 118-591 Declining To Pursue The Proposed Designation Of 42 Star Island Drive As A Historic Site.

(Requested by Vice-Mayor Jonah Wolfson)

**ACTION:** Discussion held. **Resolution rejected**.

#### **RECOMMENDATIONS:**

Referral to the Land Use and Development Committee

Administration to work with the Legal Department to draft language for the November 2013 ballot

#### Motion #1:

Motion made by Vice-Mayor Wolfson to deny the proposed request for historic designation of the property located at 42 Star Island Drive; seconded by Commissioner Tobin; Voice vote: 2-5; Opposed: Mayor Bower, and Commissioners Exposito, Góngora, Libbin and Weithorn. The motion failed.

#### Motion #2:

Motion made by Commissioner Libbin to direct the Administration to work with the City Attorney's Office and draft language for a ballot question in November 2013, and refer it to the Land Use and Development Committee; seconded by Commissioner Tobin; Voice vote: 7-0. City Attorney's Office and Richard Lorber to handle.

Vice-Mayor Wolfson introduced the item, and stated that this is not a fair way of handling this house, when other similarly situated homes are not being treated the same way. It is not about whether this house is historic or not; it is about personal likes and dislikes. He is supportive of the historic designation on the commercial properties. This house is being treated differently than the other fifteen or sixteen pre-1942 houses that have requested demolition permits. The property rights of this homeowner are being inhibited because other individuals want to enjoy viewing this house.

Mayor Bower asked the status of her requested Ordinance to look at incentives for owners of properties designated historic.

Jorge Gomez, Assistant City Manager, stated that the issue is in the Land Use and Development Committee.

Discussion held.

Commissioner Tobin stated looking into selecting a group of homes (approximately 100 homes) that could be designated historic, and see what the financial impact will be for the incentives.

Discussion continued.

#### 5:40:00 p.m.

William Cary, Assistant Planning Department Director, spoke.

Discussion continued.

### Motion #1:

Motion made by Vice-Mayor Wolfson to deny the proposed request for historic designation of the Prepared by the City Clerk's Office Page No. 53
M:\\$CMB\CITYCLER\AFTERACT\2013\05082013\Afteraction\aa05082013.docx

property located at 42 Star Island Drive.

Discussion continued.

Kent Harrison Robbins Esq. spoke. Charles Urstadt, Planning Board member, spoke. Nancy Liebman spoke.

Sam Carson spoke. Actor Valezuzo spoke.

### 6:12:09 p.m.

Rick Gonzalez, President of REG Architect Inc., and incoming president for the Florida Trust for Historic Preservation Vice-Chairman for the Florida Historic Preservation, spoke.

Discussion continued.

## 6:22:43 p.m.

Rick Gonzalez, President of REG Architect Inc. and incoming president for the Florida Trust for Historic Preservation Vice-Chairman for the Florida Historic Preservation spoke.

Discussion continued.

Cathleen Kauffman, Chief Historic Preservation Officer for Miami Dade County, spoke.

Discussion continued.

Becky Roper Matkov, Executive Director of Miami Dade Heritage Trust, spoke.

Michael Kenner spoke.

Daniel Soraldo spoke.

Carolyn Klepser spoke.

Marina Narvaez spoke.

Sherry Kaplan Roberts spoke.

Alona Wiz spoke.

## Daniel Daly spoke

Leonard Hockstein, owner of 42 Star Island Dr., spoke.

Michael Larkin, Esq., representing the owner of 42 Star Island Dr. spoke.

Kent Harrison Robbins Esg. representing the Miami Design Preservation League spoke.

Discussion continued.

Commissioner Tobin asked what action could be taken tonight or next Wednesday to stop the demolition since there is a loophole in the History Preservation Rule, which states if you have a pre-1942 home and you want to renovate you go through a process. If you decide not to renovate and get your plans approved by the Design Review Board, then you are allowed to demolish it. He is going to vote to let them go forward

Mayor Bower asked William Cary and Jorge Gomez for help on this to come up with some ideas. She suggested that when a pre-1942 home comes for a demolition permit, it should be sent to the Historic Preservation Board for review. Richard Lorber to draft proposed ordinance that when a demolition permit is requested for an architecturally significant home, the matter should be referred to the Historic Preservation Board.

Commissioner Tobin stated that there are approximately 2000 pre-1942 homes, and a survey should be done; to look at the homes not in the pipeline for demolition; thereafter get a process going. **Richard Lorber to handle.** 

Jorge Gomez, Assistant City Manager, stated that the sentiment of the Commission is to slow down the process of the demolitions so they can evaluate alternatives including the Mayor's ordinance in the Land and Use and Development Committee.

Discussion continued.

## 7:16:53 p.m.

### Second on Motion #1

Commissioner Tobin seconded Vice-Mayor Wolfson's motion.

Commissioner Libbin stated that he thinks this should be allowed to go forward and come back with a recommendation. He suggested having MDPL and everyone interested to get this resolved and have the City Attorney's Office draft a ballot question for the November 2013 election to see where the community stand on this issue (involuntary designation of historic homes).

Commissioner Góngora thanked everyone for coming out and stated that he will be voting "no." He does not agree in cutting short the process. It should go to the Historic Preservation Board and the Planning Board and come back to the City Commission with a recommendation.

Commissioner Weithorn stated that the problem is not demolishing the homes, but what they are being replaced with. It is so out of context with the community, that it is a problem for all. Even if we survey homes, and some are not architecturally significant, if our context is wrong the entire neighborhood is wrong. Look at changing the guidelines so the context of the community stays. We would not be here if we did not have mansions. She gave direction to generate guidelines, in order to preserve the sustainability and character of the City. **Richard Lorber to handle.** 

Discussion continued.

Commissioner Exposito thanked everyone and stated that what makes this City important is its character. He feels for the Hochstein's, but this needs to move forward and requested the Administration to look for criteria and incentives. **Richard Lorber to draft ordinance relating to incentives for voluntary historic designation.** 

Voice vote taken on Motion #1 to stop the process; 2-5: Opposed: Mayor Bower, and Commissioners Exposito, Góngora, Libbin and Weithorn. The motion failed.

### 7:27:04 p.m.

#### Motion # 2:

Motion made by Commissioner Libbin to direct Administration to work with the City Attorney's Office to draft language for a ballot question in November 2013, and refer to the Land Use and Development Committee; Voice vote: 7-0. **City Attorney's Office and Richard Lorber to handle.** 

### Handouts or Reference Materials:

- 1. Letter from John Hildreth, Regional Vice President, National Trust for Historic Preservation, dated May 8, 2013, RE: 42 Star Island Drive historic designation
- 2. Email from Jeff Donnelly, jeffdonn@aol.com dated May 7, 2013 RE: Item R9G
- 3. Miami-Dade County Historic Preservation Board Resolution No. 2013-01 Encouraging The City Of Miami Beach To Protect Architecturally Significant Single-Family Homes, from Kathleen Slesnick

Kauffman, Historic Preservation Chief.

- 4. Sign-In Sheet
- 5. Dade Heritage Trust 'Preservation Today" Discovering Miami Modern Magazine, 2011.
- 6. Speakers List

### 8:04:26 p.m.

R9H Discussion Regarding An Update And Status Of The Hibiscus Island RFQ Involving The Undergrounding Of Overhead Utilities Plus Street And Drainage Improvements.

(Requested by Commissioner Jorge R. Exposito)

**ACTION:** Discussion held.

Commissioner Exposito stated that the issue was resolved.

Raul Aguila, Deputy City Attorney, stated that he takes responsibility for the delay of this issue because it is a progressive design contract and it had to be done from scratch. The contract is now done and revised, and he will give it to Capital Improvement Projects at the end of the week to issue the RFQ.

David Martinez, CIP Director, stated that once they receive the progressive design contract established they would like to award it at the July 17 City Commission meeting. The design criteria package is about 30% plans. The plans are developed and it will take about four months and he will bring the contract approximately in December. The construction takes about eighteen months, so we are looking at finishing it by July 2015.

Commissioner Exposito requested a copy of the timeline. Commissioner Exposito was notified that the timeline was in his Commission Agenda packet.

Commissioner Tobin asked if there is a desire to bury underground the electric lines on Alton road, from 5<sup>th</sup> to Seventeenth. Mayor Bower stated that it would be wonderful. Commissioner Exposito stated that it would be great. Vice-Mayor Wolfson stated it would be great, but it may delay the project. Direction given to City Manager Morales to look into it. **Eric Carpenter and Jay Fink to handle.** 

### 8:00:35 p.m.

R9I Discussion Regarding A Resolution Waiving Space Rental Charges In An Amount Not To Exceed \$7,900.00 At The Colony Theatre For The Film Life Foundation, A Non-Profit Which Is Producing The American Black Film Festival, For The Festival's Events To Be Held June 19 - 23, 2013. (Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. **Resolution No. 2013-28218 adopted**. Motion made by Commissioner Libbin; seconded by Commissioner Tobin; Voice vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn. **Max Sklar to handle.** 

#### TO DO:

Develop a policy and criteria for the waiving of fees for Film Festivals. Max Sklar to handle.

Discussion held.

Commissioner Tobin requested the Administration to come up with a policy and criteria.

Jimmy Morales, City Manager, stated that Max Sklar is working on a policy to be sent to committee.

Mayor Bower stated that the organizers of this festival need to make sure to include the rental amount in their budget because they may not receive this next year.

Yvette Harris thanked the Mayor and Commissioners.

#### 10:06:31 a.m.

#### **SUPPLEMENTAL AGENDA No. 1:**

R9J Discussion Regarding A Resolution Authorizing Funding In The Amount Of \$30,500 From The Miami Beach Education Compact Fund To Be Utilized By The City Of Miami Beach's Nurse Initiative, And Allocating Such Funds To Be Used For The Nurse Initiative.

(Requested by Commissioner Jerry Libbin)

(Resolution & Additional Information)

**ACTION:** Item heard in conjunction with PA5 Treasure Island. Discussion held. Resolution No. 2013-28219 adopted. Motion made by Commissioner Libbin; seconded by Commissioner Exposito; Voice vote: 6-0; Absent: Vice-Mayor Wolfson. Leslie Rosenfeld to handle.

Commissioner Libbin stated that three of our schools do not have nurses. The Committee on Quality Education in Miami Beach reached out to the Miami Beach Chamber of Commerce to try to get a nurse funded. He explained that the Finance and Citywide Projects Committee, chaired by Commissioner Weithorn, recommended that if the other municipalities that are affected agreed to contribute toward the cost of the nurses, the City of Miami Beach would contribute its proportionate share of \$30,500. He added that Bay Harbor, Ball Harbour and Surfside have passed resolutions in support of funding; and North Bay Village meets on May 21 to consider the item.

Commissioner Libbin also announced that the Chamber obtained an additional grant from the Health Foundation of South Florida, whereby the Foundation will match dollar for dollar the amounts contributed by each municipality, subject to the Foundation receiving the municipality's resolution by May 15, 2013. **Leslie Rosenfeld to transmit the resolution to Health Foundation of South Florida.** 

## 7:29:27 p.m.

#### **ADDENDUM AGENDA No. 2:**

R9K Discussion Regarding The Reduction Of Meals Serviced By Little Havana Activities And Nutrition Center At Senior Centers Located On Miami Beach.

(Requested by Commissioner Michael Góngora)

ACTION: Discussion held. Item referred by acclamation to the Finance and Citywide Projects Committee meeting on Monday, May 13, 2013. Patricia Walker to place on the committee agenda. Maria Ruiz to handle.

Commissioner Wolfson stated that this issue would be discussed at the Finance and Citywide Projects Committee on Monday at approximately 4:00 p.m.

Mayor Bower announced that Miami-Dade County Commissioner Bruno Barreiro placed this issue on the Miami-Dade County Board of Commission Agenda, and the item was approved. She announced that Vice-Mayor Wolfson had made a very nice gesture when he paid to extend the meals for one week.

City Clerk's note: See LTC 164-2013.

### 7:29:27 p.m.

#### **ADDENDUM AGENDA No. 2:**

R9L Discuss Endorsing A Proposal To Encourage And Locate Funding For The Little Havana Nutrition And Activity Center To Keep Current Levels Of Meals To Our Senior Centers In Miami Beach.

(Requested by Commissioner Jorge R. Exposito)

ACTION: Discussion held. Item referred by acclamation to the Finance and Citywide Projects Committee on Monday, May 13, 2013. Patricia Walker to place on the committee agenda. Maria Ruiz to handle.

City Clerk's note: See LTC 164-2013.

#### 7:29:27 p.m.

#### ADDENDUM AGENDA No. 2:

R9M Discuss The Reduction Of Senior Lunch Meals Provided By Little Havana Activities And Nutrition Centers Of Dade County, Inc.

(Requested by Vice-Mayor Jonah Wolfson)

ACTION: Discussion held. Item referred by acclamation to the Finance and Citywide Projects Committee on Monday, May 13, 2013. Patricia Walker to place on the committee agenda. Maria Ruiz to handle.

City Clerk's note: See LTC 164-2013.

Handouts or Reference Materials:

1. LTC 164-2013 dated May 7, 2013 RE: Federal Sequester Impacts on Elder Meal Sites within the City.

### 8:02:38 p.m.

#### **ADDENDUM AGENDA No. 4**

R9N Discussion Regarding The Gay & Lesbian Film Festival.

(Requested by Commissioner Michael Góngora)

**ACTION:** Resolution No. 2013-28220. Motion made by Commissioner Góngora; seconded by Commissioner Libbin; Voice vote: 5-0; Absent: Vice-Mayor Wolfson and Commissioner Weithorn.

City Clerk's Note: See "TO DO" for item R9I.

Handouts or Reference Materials:

1. Email from Michael Góngora dated May 7, 2013 RE: Agenda Review Responses to add discussion item.

## 11:50:11 a.m.

### 7:31:42 p.m.

R90 Discussion Regarding Directing The City Attorney's Office To Prepare Two (2) Ballot Questions Regarding The Miami Beach Convention Center Redevelopment.

(Requested by Mayor Matti Herrera Bower)

**ACTION:** Discussion held. Motion made by Commission Weithorn that it is the sentiment of this Commission to have a ballot question on the November 2013 ballot, the form of which will be similar to the wording found in the Memorandum drafted by Mayor Bower on this item; however the exact ballot language cannot be decided until after the workshops and at the June meeting. There would be one or more questions to address the specifics of the project; seconded by Commissioner Góngora; Voice vote: 7-0. **City Attorney's Office to handle** 

Commissioner Weithorn clarified the motion that the Convention Center project with specifics will be in one or more questions to the voters.

#### 11:50 11 a.m.

Vice-Mayor Wolfson stated that this item was not properly advertised and it is not an emergency item.

Motion by Vice-Mayor Wolfson to reconsider adding item R9O as an emergency item to today's Agenda. No second offered. Hearing no second, he requested the City Clerk to record his vote as a "No" to add R9O to the emergency items.

#### 7:31:42 p.m.

Mayor Bower stated that she placed this item on the agenda, without any particular wording in mind, only because there are so many rumors and confusion that need to be clarified. She checked with the City Manager that she was not creating a monster.

Commissioner Weithorn clarified that Mayor Bower is looking for the sentiment of the Commission to place a ballot question in November 2013 relating to the Convention Center redevelopment.

Discussion held.

Motion made by Commission Weithorn that it is the sentiment of this Commission to have a ballot question on the November 2013 ballot, the form of which will be similar to the wording found in the Memorandum drafted by the Mayor on this item; however the exact ballot language cannot be decided until after the workshops and at the June meeting. There would be one or more questions to address the specifics of the project. Seconded by Commissioner Góngora; Voice

vote: 7-0. City Attorney's Office to handle.

Vice-Mayor Wolfson stated that this is not an emergency item, and the right thing to do would have been to let the public come and speak on the issue.

Mayor Bower stated that the citizens will have an opportunity to speak on this at the June meeting.

Commissioner Weithorn clarified the motion that the Convention Center project with specifics will be in one or more questions to the voters.

### **R10 - City Attorney Reports**

R10A City Attorney's Status Report.

(City Attorney Office)

**ACTION:** Written Report given.

### 2:54:22 p.m.

Announcement by Rafael E. Granado, City Clerk, regarding Item R10B.

#### ADDENDUM AGENDA No. 1:

R10B Notice Of Closed Executive Session

Pursuant To Section 447.605, Florida Statutes, A Closed Executive Session Will Be Held During Recess Of The City Commission Meeting On Wednesday, May 8, 2013, In The City Manager's Large Conference Room, Fourth Floor, City Hall, For A Discussion Relative To Collective Bargaining.

The Following Individuals Will Be In Attendance: Mayor Matti Herrera Bower; Members Of The City Commission: Jorge Exposito, Michael Góngora, Jerry Libbin, Edward Tobin, Deede Weithorn And Jonah Wolfson; City Manager Jimmy L. Morales, City Attorney Jose Smith, Donald Papy, Chief Deputy City Attorney, Outside Counsel Jim Crosland, Kathie G. Brooks, Assistant City Manager, Sylvia Crespo-Tabak, Humana Resources Director, and Carla Gomez, Human Resources Assistant Director.

ACTION: Closed Executive Session announced and held.

# **Reports and Informational Items**

- 1. Reports and Informational Items (see LTC No. 158-2013)
- 2. List of Projects Covered by the Cone of Silence Ordinance (see LTC No. 142-2013). (Procurement)

**End of Regular Agenda** 

# Miami Beach Redevelopment Agency

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive May 8, 2013

Chairperson of the Board Matti Herrera Bower Member of the Board Jorge Exposito Member of the Board Michael Góngora Member of the Board Jerry Libbin Member of the Board Edward L. Tobin Member of the Board Deede Weithorn Member of the Board Jonah Wolfson

Executive Director Jimmy L. Morales Assistant Director Jorge Gomez General Counsel Jose Smith Secretary Rafael E. Granado

### **AGENDA**

#### NEW BUSINESS

A Resolution Of The Chairperson And Members Of The Miami Beach Redevelopment Agency (RDA), Approving And Authorizing The Chairperson And Secretary To Execute Amendment No. 3 To That Certain Retail Lease Agreement By And Between The City Of Miami Beach, The Miami Beach Redevelopment Agency (Collectively, Lessor), And Penn 17, LLC (Lessee), Dated September 16, 2011, Involving The Lease Of Approximately 7,655 Square Feet Of Ground Floor Retail Space At The Pennsylvania Avenue Garage, 1661 Pennsylvania Avenue, Miami Beach, Florida; And Further Approving, Following A Duly Noticed Public Hearing As Required By Section 142-362 Of The City Of Miami Beach Code, An Entertainment Component, Which Will Be Added As An Additional Use Of The Leased Premises In Conjunction With Tenant's Re-Opening And Re-Branding Of Such Premises. 10:00 a.m. Public Hearing, Joint City Commission & Redevelopment Agency

(Real Estate, Housing & Community Development) (Continued from April 17, 2013)

**ACTION:** Item heard in conjunction with R7A. **Item opened and continued.** Motion made by Commissioner Weithorn; seconded by Commissioner Exposito;' Voice-vote: 7-0. Lilia Cardillo to place on the Commission Agenda if received. **Anna Parekh to handle.** 

Handouts and Reference Materials

2. Ad in The Miami Herald – Ad 770

Meeting adjourned at 8:09:26 p.m.